

MISSOURI
AIR CONSERVATION COMMISSION
BRIEFING DOCUMENT

June 30, 2005



**MISSOURI DEPARTMENT
OF NATURAL RESOURCES**

Air and Land Protection Division

Air Pollution Control Program



NOTICE OF OPEN MEETING

Persons with disabilities requiring special services or accommodations to attend the meeting can make arrangements by calling the Air Pollution Control Program directly at (573) 751-4817, or by calling the division's toll-free number at 1-800-361-4827. Hearing impaired persons may contact the program through Relay Missouri, 1-800-735-2966. Please visit our web site at www.dnr.mo.gov.

AGENDA

Missouri Air Conservation Commission Working Meeting
Air Pollution Control Program
205 Jefferson Street
Jefferson City, MO 65101
June 29, 2005
1:30 p.m.

The Air Pollution Control Program (APCP) will give a presentation outlining the various functions of the APCP. The purpose of this presentation is to introduce new commissioners to Missouri air pollution law and regulations.

AGENDA

Missouri Air Conservation Commission Meeting
Governor Office Building
Room 450
200 Madison Street
Jefferson City, MO 65101
June 30, 2005
9:00 a.m.

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A. Call to Order		Mike Foresman
B. Minutes from May 26, 2005 (Approval Requested)	1	Mike Foresman

C. Reports - (discussion)

1. Complaint Report	15	Steve Feeler
2. Settlement Report	53	Steve Feeler
3. Permit Reports	63	Kyra Moore
4. Operations Report	87	Jim Kavanaugh
5. Director's Report		Leanne Tippet Mosby

D. Unfinished Business

None.

E. Public Hearing

Missouri State Implementation Plan—Update to Kansas City Maintenance Plan for Control of Ozone	93	Tiffany Campbell
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This proposed update to the 2002 Kansas City Maintenance Plan for Control of Ozone incorporates references to the 8-hour National Ambient Air Quality Standards and associated control triggers. Information regarding historical background and monitoring data/locations has also been updated. This revision will be in place until a new 8-hour ozone maintenance plan can be developed to meet the U.S. EPA June 15, 2007, deadline.

Missouri State Implementation Plan—Doe Run Herculaneum, Modification to Consent Judgement	151	John Rustige
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On December 7, 2000, the Missouri Air Conservation Commission adopted a revision to the state implementation plan for the control of lead emissions at the Doe Run Herculaneum smelter. The plan included a Consent Judgement that set emission control construction deadlines, process throughput limitations, outlined a set of contingency measures, and established stipulated penalties with potential production cuts. The Judgement was filed in Iron County Court and signed on January 5, 2001, and the plan was submitted to EPA on January 9, 2001, and formally approved on April 16, 2002.

The emission control strategy involved enclosure of the main processes at the plant, and the installation of building ventilation systems. The ventilation gases are filtered by state-of-the-art, high-efficiency baghouse filtration systems prior to release to the atmosphere. Capital costs were approximately \$12,000, 000. All of the emission control projects were completed by the deadline established in the Consent Judgement (July 31, 2002).

The Consent Judgement required the baghouses to meet a 0.022 grain per dry standard cubic foot performance standard, and it included language requiring the use of "Teflon membrane bags. Doe Run would like to replace these "Teflon membrane bags" with spun-bond pleated bags that have approximately twice the filter area. The Department of Natural Resources' Air Pollution Control Program has been assured that the replacement bags will perform properly, and Doe Run will be required to conduct testing to demonstrate proper performance. The Consent Judgement must be modified to accommodate this change. The Consent Judgement has provisions for modification that simply require the parties to agree on the modification.

The purpose of the public hearing is to present the Consent Judgement modification for public comment.

[10 CSR 10-2.390 \(amendment\) Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Laws](#)

173 Ron Jeffries

This proposed amendment will amend the state Kansas City transportation conformity rule to bring it into compliance with the recently amended federal transportation conformity rule.

[10 CSR 10-5.480 \(amendment\) Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Laws](#)

247 Ron Jeffries

This proposed amendment will amend the state St. Louis transportation conformity rule to bring it into compliance with the recently amended federal transportation conformity rule.

F. Recommended for Adoption and Actions to be Voted on

10 CSR 10-6.070 (amendment) New Source Performance Regulations 321 Bruce Volner

This amendment incorporates by reference 40 CFR part 60 subparts amended between January 1, 2002 and June 30, 2003. This year's update includes a direct final amendment to subpart (GG) Stationary Gas Turbines (68FR17989). The federal rulemaking codifies several alternative testing and monitoring procedures that have been approved by EPA.

10 CSR 10-6.075 (amendment) Maximum Achievable Control Technology Regulations 323 Bruce Volner

This amendment adopts by reference 18 new 40 CFR part 63 subparts finalized between January 1, 2002 and June 30, 2003. New subparts include the following source categories: Municipal Solid Waste Landfills; Paper and Other Web Coating; Surface Coating of Large Appliances; Printing, Coating, and Dyeing of Fabrics and Other Textiles; Surface Coating of Wood Building Products; Surface Coating of Metal Furniture; Reinforced Plastic Composites Production; Rubber Tire Manufacturing; Semiconductor Manufacturing; Pushing, Quenching, and Battery Stacks; Asphalt Processing and Asphalt Roofing Manufacturing; Integrated Iron and Steel Manufacturing Facilities; Brick and Structural Clay Products Manufacturing; Clay Ceramics Manufacturing; Flexible Polyurethane Foam Fabrication Operations; Hydrochloric Acid Production; Engine Test Cells/Standards; and Friction Materials Manufacturing Facilities.

Additionally, this amendment updates previously adopted subparts.

10 CSR 10-6.080 (amendment) Emission Standards for Hazardous Air Pollutants 325 Bruce Volner

This amendment updates 40 CFR part 61 subparts finalized between January 1, 2002 and June 30, 2003 previously adopted by reference. This includes a direct final amendment to subpart (FF) Benzene Waste Operations (67FR68526 and 68FR6082). The federal rulemaking adds an exemption for organic vapors routed to the fuel gas system, a new compliance option for tanks and to clarify the standards for containers.

[NO_x SIP Call Emissions Budget Demonstration for Missouri](#)

329 Rick Campbell

The EPA's NO_x SIP call required states to submit a budget demonstration to ensure that the state would meet the NO_x emissions budget that EPA developed during the calendar year 2007. This document describes the rulemaking process, emission inventory development, and authorities that Missouri is relying on to complete the requirements of the NO_x SIP call.

G. New Business

Attorney General's Office Referrals (Approval Requested)

Steve Feeler

[Morgan Development Company](#)

361

[Mr. Troy Colley](#)

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Necessity Findings (Approval Requested)

Jim Kavanaugh

10 CSR 10-6.010 (amendment) Ambient Air
Quality Standards

10 CSR 10-6.020 (amendment) Definitions and
Common Reference Tables

10 CSR 10-6.030 (amendment) Sampling Methods
for Air Pollution Sources

10 CSR 10-6.040 (amendment) Reference Methods

H. Appeals and Variance Requests

None.

I. Open Session

This segment of the meeting affords citizens an opportunity to voice concerns to the commission on air quality issues. Please be advised, comments on specific rulemakings need to be provided as testimony, under oath, during the formal process of the public hearing for that rulemaking.

J. Future Meeting Dates

July 21, 2005 – Poplar Bluff

Holiday Inn

Salon D

2781 North Westwood Boulevard

Poplar Bluff, MO 63901

August 25, 2005 – Jefferson City

Governor Office Building

Room 450

200 Madison Street

Jefferson City, MO 65101

September 29, 2005 – Kansas City

DoubleTree Hotel

Salon A

1301 Wyandotte

Kansas City, MO 64105

October 27, 2005 – Jefferson City

Governor Office Building

Room 450

200 Madison Street

Jefferson City, MO 65101

December 8, 2005 – Springfield

University Plaza Hotel

Colorado Room

333 John Q. Hammons Parkway

Springfield, MO 65806

K. Discussion of Pending Litigation and Legal Matters

Tim Duggan

(This portion of the meeting may be closed, pursuant to Section 610.021 (1), RSMo, after a vote by the Commission.)

L. Meeting Adjournment

Mike Foresman

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MINUTES
MISSOURI AIR CONSERVATION COMMISSION
Holiday Inn – Westport
Plaza II
1973 Craigshire Road
St. Louis, MO 63146
May 26, 2005
9:00 a.m.

Commissioners Present

Jack C. Baker, Member
Mark A. Fohey, Member
Michael Foresman, Chairman
Mark S. Garnett, Member
Kevin L. Rosenbohm, Member
Dennis Voisey, Member

Staff Members Present

Rick Campbell, Operations Section, Air Pollution Control Program (APCP)
Tim Duggan, Attorney General's Office (AGO)
Steve Feeler, Compliance/Enforcement Section Chief, APCP
David Gilmore, Commission Secretary, APCP
Wayne Graf, Operations Section, APCP
Jim Kavanaugh, Operations Section Chief, APCP
Sarah McMichael, Public Information Specialist, APCP
Kyra Moore, Permits Section Chief, APCP
Nancy Morgan, St. Louis Urban Outreach Office
Missy Seeligman, Program Secretary, APCP
Leanne Tippet Mosby, Director, APCP
Bruce Volner, Operations Section, APCP

Others Present by Attendance Record

Mike Alesandrini, Regional Chamber and Growth Association (RCGA) – St. Louis
Harriet Beard
Eric Brown, City of St. Louis, Air Pollution Control
Robert J. Brundage, Newman, Comley and Ruth P.C.
Dan Carnes, Holcim (US) Incorporated
Maurice Chemweno, City of St. Louis
Joanne Collins
Joe Darmody, NPN Environmental
Kathrina Donegan, St. Louis County, Air Pollution Control
Sue Ehrhardt, St. Louis County, Air Pollution Control
Michelle Ferguson, Holcim (US) Incorporated
Will Hagar
Cheryl Hammond, Sierra Club
Virginia L. Harris

Melissa Hart, ENVIRON
Dale Hermeling, The Stolar Partnership
Michael Jay, EPA Region VII
Joe Kaufman, O'Fallon Casting
Robert Mustell, Holcim (US) Incorporated
Lain Pacini, City of St. Louis
Kevin Perry, REGFORM
Richelle Perry
Ronald A. Rosner, Avchem, Incorporated
Phillip D. Saller, City of St. Louis, Air Pollution Control
Buffy Santel, MSD
David Shanks, Boeing
Kurt Srp, Kansas City Air Quality Program
Susan Stavoer, RCGA – St. Louis
Steven Whitworth, Ameren
Debbie Wurst, City of St. Louis, Air Pollution Control

A. Call to Order

Chairman Mike Foresman called the May 26, 2005, meeting of the Missouri Air Conservation Commission to order. Chairman Foresman noted the following commissioners were present: Jack Baker, Mark Fohey, Mike Foresman, Mark Garnett, Dennis Voisey and Kevin Rosenbohm.

B. Minutes, April 28, 2005, Meeting

Commissioner Jack Baker moved to approve the minutes as written. Commissioner Dennis Voisey seconded and all commissioners voted to approve the minutes.

C. Reports - The following referenced reports are in the May 26, 2005, Missouri Air Conservation Commission Briefing Document.

1) COMPLIANCE/ENFORCEMENT

Steve Feeler referred the commission to the Complaint Report beginning on Page 29. The department received 215 complaints during the month of April. Mr. Feeler explained that complaints are received by five regional offices located throughout the state. The complaints are investigated as soon as possible after they have been received. Page 29 lists the summary of the various areas of where those complaints were received. The largest number of complaints were in the area of odors and were primarily due to the Renewable Environmental Solutions (RES) plant in Carthage, Missouri. RES processes turkey offal from the Con

Agra facility located adjacent to it. RES installed a new thermal oxidizer in May, which the inspectors have reported has reduced the odors significantly. The program believes there will be a significant decrease in the number of complaints in next month's complaint report. RES is still working to perfect it. Page 30 and 31 lists a line by line listing of all complaints received. The comments portion details the inspector's findings. The complaint will indicate the initials of the inspector to the far right.

The Settlement Report starts on Page 77 and lists those cases in which the program has negotiated a settlement agreement. Mr. Feeler explained in detail this portion of the briefing document to the commission.

2) PERMITS

Kyra Moore referred the commission to the Permit Reports beginning on Page 85 with the Permit Applications Received Report. Ms. Moore explained that there are two different types of permits, Operating and Construction, and that this report details all the permit projects received, not just permit applications. Amendments, correction requests and permit determination requests are included in this report. Construction permit applications are required prior to the construction of any type of equipment that emits certain levels of air pollutants. The facility is required to have a construction permit prior to starting construction. However, once the construction permit is issued the facility can construct and operate with that permit.

The operating permit is slightly different. The intention of the operating permit is to incorporate all regulations for the facility into one document. The facility does not need the operating permit in-hand to operate the equipment. There are different types of construction and operating permits. The type of permit required depends on the level of air pollutants emitted by a given source.

For the month of April, the program received 52 construction permit projects and 24 operating permit projects.

The Permit Applications Completed Report begins on Page 95. For April, the program completed 46 construction permit projects and 11 operating permit projects.

The Operating Permit Progress Report begins on Page 103. This report shows a summary of the operating permit program since its inception. Between 1996 and 1998 the program received 470 Part 70, also known as Title V, operating permit applications. Those applications are referred to as the initial Title V or Part 70 permits. These initial Title V permits were required by EPA to be completed by December 2003. The program is completing the initial Title V permits as quickly as possible, with only 22 of the initial Part 70 applications are left to issue.

The Doe Run – Herculanum Part 70 operating permit is on public notice as of April 24, 2005. The public notice and public comment period extends for 30 days. The program will hold a public hearing on May 26, 2005 at 7:00 p.m. at the Herculanum High School. The program has extended the public comment period until June 6, 2005. Ms. Moore said that anyone who wants to testify on that operating permit is welcome to attend the hearing.

Kansas City Power and Light (KCPL) had originally proposed to build a second coal plant near the existing Iatan I plant. The original application proposed a stand-alone facility, which did not share any equipment with the existing Iatan I plant. KCPL submitted a revised application on May 16, 2005 to replace the original application. KCPL's new proposed plant will share coal-handling equipment with Iatan I and be located directly next to Iatan I. With their revised application KCPL is adding on control equipment to the existing Iatan I. Due to the added controls on Iatan I, there will be a net reduction of Nitrogen Oxides and Sulfur Oxides from this project. Due to emissions of particulate matter and carbon monoxide, this is still a major construction permit application. Therefore, there is still extensive technical review and air dispersion modeling required. When the review is complete, the program will have a public notice. The program has just started the review on the revised application. The program has been working with KCPL to complete this permit as quickly as possible to meet their timeframes.

The program issued a permit to City Utilities of Springfield for their coal plant in December of 2004, which was subsequently appealed. A hearing officer has been assigned to hear the appeal. A Pre-Hearing Conference was held on May 25, 2005, and a hearing date was tentatively set for October 11, 2005. A discovery schedule was also set up at the Pre-Hearing Conference. The schedule includes the gathering of depositions, interrogatories and the production of documents.

Commissioner Baker inquired if Associated Electric Cooperative Incorporated (AECI) has submitted a permit application for a new coal plant.

Ms. Moore replied that AECI met with program staff for a preapplication meeting to propose a new coal fired power plant. AECI has not submitted an application. AECI is working with program staff on PreConstruction Monitoring. AECI has proposed to build this plant at Norborne in Carroll County and has communicated to the program that they anticipate submitting an application by summer of 2006.

3) OPERATIONS

Mr. Kavanaugh referred the commission to the three Operations reports beginning on Page 105 with the Rules and SIP Agenda followed by the Rules in Progress Schedule on Page 239 and the State Air Quality Plans Status Report on Page 243.

Mr. Kavanaugh explained that the Operations Report is three reports, which focus on Rule and State Implementation Plan (SIP) development. Since the commission is the rule making authority pursuant to the Missouri air law, the program brings proposed rule actions to the commission after going through a stakeholder process to develop rules that either meet federal requirements or are needed to protect public health and the environment.

The Rules and SIP Agenda shows what rules the program will present for public hearing and the rule actions the program will be asking the commission to vote to adopt over the next few months. After the process of developing draft rule language is completed, the rule is then filed with the Secretary of State's Office and is added to this report.

The Rules in Progress Schedule begins on page 239. This is a status report of where the rule makings are once they are filed, what the schedule is for bringing them to public hearing, the schedule for public comment and for other administrative procedures such as filing with the Secretary of State's Office, when the rules will be published in the Missouri Register and the Code of State Regulations and finally when the rules will be effective.

There are two other rules that do not show up in the briefing document that were filed after the briefing document went to the printshop.

The first, 10CSR 10-1.030 is the Commission Appeals and Requests for Hearings rule. This rule was developed through the Commissioner's Core Workgroup with Tim Duggan and others participating. This rule has been filed with the Secretary of State's Office and will be brought to public hearing in July.

The second rule is 10 CSR 10-6.110, which is commonly referred to as the Emission Fees rule. By statute, every year the commission has to set the emission fee by rule. Annually the program goes through a process reviewing expenditures and projections for revenues to determine an appropriate amount that is necessary to fund the operation of the program. That rule will also be brought to the commission in July.

The State Air Quality Plan Status Report is a table listing of all the SIPs that the program is currently working on or has worked on in the past. SIPs are plans that are required under the federal Clean Air Act that the state develops to address issues with air pollution. For example, the U.S. EPA publishes a rule making that

says Missouri has to develop a plan that shows how it is going to control or maintain air pollutants below national air quality standards. Missouri then must develop rule makings along with a number of different scenarios, control strategies and contingencies that take into account the inventory of the emissions throughout the state and contributions from other states. The program does modeling to show that if specific controls are implemented emissions will be reduced in a certain amount of time.

Kansas City had an incident on Monday, May 23, 2005. A gasoline pipeline break occurred at approximately 1:30 a.m. and by 9:00 a.m. the ozone at one monitor in the area was reading 177 parts per billion, which is the highest monitored value in 24 years. Due to a temperature inversion and calm winds, the problem stayed very localized. All other surrounding monitors remained fairly normal. The event lasted one day. Missouri, Kansas, U.S. EPA Region VII, and the Mid America Regional Council (MARC) worked together to release a news media health alert advisory for the area. Emergency response personnel were able to address the situation and control it in time to prevent an even worse scenario from developing.

It was discussed last month about making some additions to the current one hour maintenance plan for the Kansas City metropolitan area. That is a plan the program had to develop when Missouri was not meeting the national air quality standard for one hour ozone. Once the Kansas City area came into attainment, a plan was developed to ensure the area remained in attainment for the next 10 years. A revision to add 8 hour contingency triggers and definitions to the one hour plan will be presented for public hearing next month. The program is not proposing any new or additional requirements. The one hour ozone standard is expected to be revoked by EPA in June of this year. The proposed revision will ensure that the state has an appropriate mechanism to address any air quality problems over the next couple of years while a new 8 hour ozone maintenance plan is developed.

On May 12, 2005, EPA published the final Clean Air Interstate Rule. This rule requires 28 states and the District of Columbia to develop additional controls for Nitrogen Oxides (NO_x) and Sulfur Dioxide. Missouri has to develop rules and a plan by September 2006. In response to EPA's NO_x SIP call there will be more rule proposals coming in the next couple of years.

4) LEGISLATIVE REPORT

Ms. Sarah McMichael addressed the commission and gave a brief update on the legislation proposed that would affect the commission or the Air Pollution Control Program. The legislative session ended earlier this month.

House Bill 697, sponsored by Rep. Lembke, which called for modifications to the St. Louis Vehicle Emissions Testing Program to include more customer convenience measures passed out of the House and was referred to the Senate Transportation Committee. The Transportation Committee held a public hearing on May 9, 2005, however the bill never passed out of that committee. Therefore, the bill was not passed this session.

House Bill 824, sponsored by Rep. Hobbs, to amend the air emissions fee, was truly agreed to and finally passed May 13, 2005. The bill was amended to include provisions related to Land Reclamation and the Administrative Hearing Commission. A copy of the final bill was provided to the commissioners.

5) DIRECTOR'S REPORT

a) House Bill 824

Leanne Tippet Mosby addressed the commission and expounded on House Bill 824. The original bill would have kept the program's fee at \$40, which in the end the bill does, but it would have also limited the program's annual adjustment of the fee to be consistent with the Consumer Price Index. Since the program lowered its fee last year, the annual adjustment limit would have been difficult for the program to deal with. Ms. Tippet Mosby met with some stakeholders in the regulated community about that provision and they agreed to talk to the sponsor of the bill to have that provision removed. The program is pleased that the stakeholders in the regulated community honored their commitment and the provision was ultimately removed. House Bill 824 does cap the program's emission fee at \$40, but since the program is proposing \$35.50 this year, the program has some room before the cap of \$40 per ton is reached.

b) House Bill 697

Ms. Tippet Mosby stated that House Bill 697, which would have modified the Inspection and Maintenance (IM) program, did not make it out of the Senate Committee, although it was heard in the Senate Committee. Ms. Tippet Mosby attended the hearing and the main concerns she heard dealt with the provision on extending the model year exemption from two years to four years and the resultant effect on the current contract.

c) SIP Development

Probably the program's most significant project right now is the SIP development for eight hour ozone and the new fine particle standard in the St. Louis area. The workgroup is going well and the program will keep the commission updated.

d) Air Program Advisory Forum

The Air Program Advisory Forum has been around for a number of years and was reinvigorated a couple of years ago. The program has been very lucky to have consistent participation by its stakeholders in the regulated community, environmental groups and consultants. The program has been able to work through a lot of issues and conduct a number of rule makings and other initiatives by consensus. It has been a very successful group for the program.

The most recent project for the Forum took a look at the way the program issues notices of violation and allowing some additional flexibility in that system, including allowing for letters of warning. The program has come up with a proposal that Steve Feeler presented at the last Forum meeting. A few comments have been received, but overall, it appears the policy is acceptable to the group.

The next meeting of the Air Program Advisory Forum is June 22, 2005, at 10:00 a.m. in the State Information Center. Ms. Tippet Mosby invited anyone to interested in attending to join the group and attend the meeting.

D. Unfinished Business

None.

E. Recommended for Adoption or Actions to be Voted on

Rick Campbell presented 10 CSR 10-6.360 (new rule) Control of NO_x Emissions From Electric Generating Units and Non-Electric Generating Boilers. Information on the proposed amendment begins on Page 149 of the briefing document.

Commissioner Baker moved to approve the new rule. Commissioner Mark Garnett seconded, all commissioners voted to approve the new rule.

Rick Campbell presented 10 CSR 10-6.380 (new rule) Control of NO_x Emissions From Portland Cement Kilns. Information on the proposed new rule begins on Page 219 of the briefing document.

Commissioner Mark Fohey moved to approve the new rule. Commissioner Dennis Voisey seconded, all commissioners voted to approve the new rule.

Rick Campbell presented 10 CSR 10-6.390 (new rule) Control of NO_x Emissions From Large Stationary Internal Combustion Engines. Information on the proposed new rule begins on Page 231 of the briefing document.

Commissioner Baker moved to approve the new rule. Commissioner Dennis Voisey seconded, all commissioners voted to approve the new rule.

Commissioner Foresman inquired if there were no affected units since the department removed the emission limits for diesel and dual fuel units from the proposed rule. Commissioner Foresman stated that he knew of diesel units that are currently in operation for emergency use.

Mr. Campbell replied that there is a size limit for applicability. The unit must be above 1300 horsepower in order to be affected by the rule.

Commissioner Foresman inquired if it would be necessary to amend the rule if a facility is interested in installing a unit larger than 1300 horsepower.

Mr. Campbell replied that there is a provision under Section 3 for newer units, however amending the rule would be an option.

Commissioner Foresman inquired if it would slow down the permitting process.

Mr. Campbell replied that a new unit would have to meet Best Achievable Control Technology or Lowest Achievable Emission Rate standards depending upon where the facility was installing the new unit. That would likely be more stringent than what they would have put in to comply with this rule.

F. Public Hearing

Chairman Foresman called the public hearing to order.

Bruce Volner presented 10 CSR 10-6.070 (amendment) New Source Performance Regulations. Information on the proposed rule begins on Page 113 of the May Briefing Document.

Bruce Volner presented 10 CSR 10-6.075 (amendment) Maximum Achievable Control Technology Regulations. Information on the proposed rule begins on Page 119 of the May Briefing Document.

Bruce Volner presented 10 CSR 10-6.080 (amendment) Emission Standards for Hazardous Air Pollutants. Information on the proposed rule begins on Page 125 of the May Briefing Document.

Rick Campbell presented the NO_x SIP Call Budget Demonstration for Missouri. Information on the proposed rule begins on Page 138 of the May Briefing Document.

To obtain a copy of the hearing transcript, please contact the court reporter.

G. New Business

Mr. Feeler noted that the program tries to resolve all notices of violation through negotiations and out of court settlements. The law does require that anytime the program feels there is a need to go to the next step, which is legal action, the program has to request approval from the commission. State statute says that any referral must be initiated by the commission.

Mr. Feeler explained that approval from the commission to refer a facility or person to the Attorney General's Office (AGO) does not constitute a finding of guilt, it just means that the issue can not be resolved at the program level. The AGO has the option of reviewing the evidence and determining if further action should be taken.

Mr. Feeler presented a referral request for Mr. John Castle. Information on the proposed referral begins on Page 259 of the briefing document.

Commissioner Baker moved to refer Mr. John Castle to the AGO. Commissioner Fohey seconded the motion. All commissioners voted for referral to the AGO.

Mr. Feeler presented a referral request for Precision Marble. Information on the proposed referral begins on Page 261 of the briefing document.

Commissioner Voisey moved to refer Precision Marble to the AGO. Commissioner Fohey seconded the motion. All commissioners voted for referral to the AGO.

Mr. Feeler noted that the Kauffman Enterprises, LLC case had been resolved and would not need the commission's referral to the AGO.

Mr. Feeler presented a referral request for Independence Gas & Speedy Mart, Incorporated. Information on the proposed referral begins on Page 265 of the briefing document.

Commissioner Garnett moved to refer Independence Gas & Speedy Mart, Incorporated to the AGO. Commissioner Voisey seconded the motion. All commissioners voted for referral to the AGO.

Mr. Feeler presented a referral request for Mr. Lloyd Hayes, Jr. Information on the proposed referral begins on Page 267 of the briefing document.

Commissioner Baker moved to refer Mr. Lloyd Hayes, Jr. to the AGO. Commissioner Voisey seconded the motion. All commissioners voted for referral to the AGO.

H. Appeals and Variance Requests

University of Missouri – Columbia

Mr. Feeler stated the University of Missouri (MU) at Columbia has two kilns that they use in their pottery department. Those kilns have a very high opacity part of the time that they are in operation, which violates Missouri's rule for visible emissions. In October 2003, the commission issued a variance for one year to give MU time to come up with a solution to that high opacity problem. Subsequent studies or proposals from environmental engineering firms indicated that it would probably be cost prohibitive for MU to control the kilns. MU requested an extension to that variance and also proposed a rule change in late 2004.

Mr. Peter Yronwode and Mr. John Rustige indicated they believed they could help engineer a control system for these kilns. Mr. Yronwode and Mr. Rustige observed operations at these kilns and suggested changes. Those changes were implemented and the opacity problem went away. The program believes that the problem has been solved and that there is no need for a variance in this case.

Commissioner Foresman inquired if MU will correct the problem before they fire the kilns again.

Mr. Feeler replied yes, the installation will occur and that he believes the next operation of the kilns is not scheduled until October.

Missouri Performance Evaluation Test Procedures

Mr. Feeler stated that at the last commission meeting three auto assembly plants in the St. Louis non-attainment area made a presentation concerning the Missouri Performance Evaluation Test Procedures (MOPETP) as it relates to auto assembly plants and initial fueling of those vehicles. Mr. Feeler presented a variance request for Ford Motor Company, General Motors Corporation and Daimler Chrysler Corporation. Information on the proposed variance begins on Page 269 of the briefing document.

Commissioner Foresman stated that the commission's procedures allow them to grant a variance for up to one year.

Commissioner Baker moved to grant a variance to MOPETP test for initial fueling at automotive assembly plants pursuant to Missouri Rule 10 CSR 10-5.220. Commissioner Garnett seconded and all commissioners voted to grant the variance.

I. Open Session

Ms. Harriet Beard addressed the commission. Following is a summary of her comments:

Ms. Beard thanked the commission for the number of years she served on the commission. Ms. Beard recounted some memorable experiences regarding Fort Leonard Wood and the charcoal industry. Ms. Beard stated her support for the IM program. Ms. Beard thanked Tim Duggan and program staff for their guidance.

Ms. Joanne Collins addressed the commission. Following is a summary of her comments:

Ms. Collins welcomed all of the new commissioners and reminded them all that they serve at the pleasure of the governor. She challenged the commission to find a balance between citizens' health and the economic development of the state. Ms. Collins reminded the commission that their decisions and their votes should consider the children of Missouri and future generations. Ms. Collins thanked the stakeholders, the public, environmental groups, Tim Duggan and program staff and noted that the program is air pollution control but the commission is air conservation.

Mr. Mike Alesandrini addressed the commission. Following is a summary of his comments:

Mr. Alesandrini, Director of Environmental Affairs for St. Louis Regional Chamber and Growth Association (RCGA), announced he is leaving the RCGA. Mr. Alesandrini announced that Ms. Susan Stauder will be taking his place. Mr. Alesandrini thanked present and past commissioners for their consideration and indulgence. Mr. Alesandrini also thanked program staff for their consideration.

Chairman Foresman thanked Mr. Alesandrini and replied the he looked forward to working with him in the future.

J. Future Meeting Dates

June 30, 2005 – Jefferson City

Governor Office Building

Room 450

200 Madison Street

Jefferson City, MO 65101

July 21, 2005 – Poplar Bluff

Holiday Inn

Salon D

2781 North Westwood Boulevard

Poplar Bluff, MO 63901

August 25, 2005 – Jefferson City

Governor Office Building

Room 450

200 Madison Street

Jefferson City, MO 65101

September 29, 2005 – Kansas City

DoubleTree Hotel

Salon A

1301 Wyandotte

Kansas City, MO 64105

October 27, 2005 – Jefferson City

Governor Office Building

Room 450

200 Madison Street

Jefferson City, MO 65101

December 8, 2005 – Springfield

University Plaza Hotel

Colorado Room

333 John Q. Hammons Parkway

Springfield, MO 65806

Chairman Foresman commented that tours are normally scheduled outside of the Jefferson City area and take place the day before the commission meeting.

Ms. Tippet Mosby said that she would welcome suggestions for tours from the commissioners and extended an invitation to any of the commissioners to stop by the program and speak with staff anytime they are in the Jefferson City area.

Ms. Tippet Mosby also said the program is moving to East Elm Street in Jefferson City. As of yet, there is no set moving date.

K. Discussion of Pending Litigation and Legal Matters

None.

L. Missouri Air Conservation Commission

Chairman Foresman adjourned the May 26, 2005, Missouri Air Conservation Commission meeting.

Respectfully submitted,

Leanne Tippet Mosby, Director
Air Pollution Control Program

Approved:

Michael Foresman, Chairman
Missouri Air Conservation Commission

Department of Natural Resources
Air and Land Protection Division
Monthly Air Pollution Control Program Summary Report
For All Regions - 4/1/2005 to 4/30/2005

Number of Complaints Received RE:

<i>Asbestos</i>	9
<i>Burning</i>	64
<i>Fugitive Dust</i>	16
<i>Odors</i>	112
<i>Particulate</i>	8
<i>Non-regulated</i>	0
<i>Toxics</i>	1
<i>Other</i>	37

Of the above, 29 complaints involved multiple emissions.

Total of Complaints Received:. 215

Number of Investigations of Complaints:

<i>Received during report period.</i>	131
<i>Received prior to report period.</i>	21

Total number of investigations completed: 152

Number of Sources:

<i>Non-Regulated.</i>	0
<i>In compliance with regulations.</i>	204
<i>In violation of regulations.</i>	11
<i>Referred to local air pollution agencies.</i>	0
<i>Referred to other DNR program.</i>	0
<i>Requiring follow-up surveillance.</i>	0

Number of formal notices of violation issued: 11

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Dates Received or Inspected: 4/1/2005 **through** 4/30/2005

Region	Inspection Date	Date Received	Suspected Source Owner/Operator	City	County Name	Type of Complaint	Complainant	Inspector Initials	NOV
KCRO	4/1/2005	4/1/2005	FORD MOTOR COMPANY	Claycomo	Clay	Other	Anonymous	RAV	
Comments	Employee complaining about paint over spray on car in Ford's employee parking lot.								
Comp. No.	KC10113	Comp. Info	This is a follow-up telephone complaint from several months ago. Still noting paint deposits despite Ford modifications in E-Coat oven. Multiple stacks from paint booths (1 prime and 2 color) for Sport Utility Vehicle's releasing paint and misty material. A house painter and an environmental consultant recently noted paint deposits on clothing and helmet when on the roof near the stacks. The complainant attributes problem to operational changes in paint booth water bath about one and one-half years ago when a chemical added to booth baths to reduce frequency with which baths had to be changed.						
KCRO	4/4/2005	4/4/2005	SHIRLEY HUDSON	Plattsburg	Clinton	Burning	Bob Utz	RAV	
Comments	An inspector with the Missouri Department of Natural Resources' Kansas City Regional Office discussed the open burn regulation with Ms. Hudson and warned her not to burn brush again.								
Comp. No.	KC10038	Comp. Info	Ms. Shirley Hudson owns a landscaping business and takes the tree trimmings back to her house/office and leaves them behind the shop. The complainant states they have complained before and the city investigator, Mr. Jerry Hopkins, has been notified.						
KCRO	4/6/2005	4/6/2005	BRAYMER SCHOOL	Braymer	Caldwell	Asbestos	Anonymous	RAV	
Comments	Mr. Tray Allee, the janitor, is trained and authorized to do small repairs and maintenance activities. Insulation from the boiler was damaged and some asbestos fell to the floor. Mr. Allee collected and disposed of the asbestos.								
Comp. No.	KC10040	Comp. Info	Janitor removed asbestos in boiler room.						
KCRO	4/11/2005	4/11/2005	MISSOURI LEDGE	Oak Grove	Jackson	Fugitive Dust	Angelika	ACB	
Comments	An inspector with the Missouri Department of Natural Resources' Kansas City Regional Office investigated the fugitive dust complaint and found no evidence of a violation.								
Comp. No.	KC10072	Comp. Info	Noise and dust from Missouri Ledge (a rock cutting facility). The dust is on her property every day. This facility also burns trees often and buries cement and woodchips on their property.						
KCRO	4/12/2005	4/12/2005	UNKNOWN	Odessa	Lafayette	Other/Odors	Opal Kirts	MRM	
Comments	An inspector with the Missouri Department of Natural Resources' Kansas City Regional Office advised to work the family and apartment manager and maintenance to work together to reassess problem. They may want to consider contacting the Health Department.								
Comp. No.	KC10053	Comp. Info	An odor is coming up from the drain pipes. Dust is emitted with smell, sometimes through the sewer drains, sinks, all plumbing etc. The complainant does not detect odor all the time. The odor is usually worse at night (between six and midnight). The odor does not smell like sewer gas and it causes you to sneeze and burns your face.						

Department of Natural Resources
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Dates Received or Inspected: 4/1/2005 **through** 4/30/2005

Region	Inspection Date	Date Received	Suspected Source Owner/Operator	City	County Name	Type of Complaint	Complainant	Inspector Initials	NOV
KCRO	4/12/2005	4/12/2005	OAK GROVE SEWAGE LAGOON	Oak Grove	Lafayette	Odors	Anonymous	RAV	2332K
Comments An inspector with the Missouri Department of Natural Resources' Kansas City Regional Office issued the Notice of Excess Emissions #2332KC for excess odors.									
Comp. No.	KC10071	Comp. Info	The complainant noted severe lagoon odor all day Thursday at the lagoon. The complainant lives approximately a half mile from the lagoon. The complainant spoke to the Oak Grove City Hall and advised city employees working on the problem. The complainant is concerned about health risk of exposure to odors. The odor was that of "rotten eggs."						
KCRO	4/18/2005	4/14/2005	BUTCH & SHERRY WOOLERY (OW	Sedalia	Pettis	Burning	Ms. Terry Reed	RAV	2229K
Comments As a result of the open burning investigation, the inspector observed yard waste, construction waste, and salvage waste being burned on Mr. Woolery's property. The property is located on a trailer park consisting of more than four dwelling units. A Notice of Violation was issued for the burning of trade, construction and salvage waste. The burning of household waste is not allowed, however a burn permit will be needed. Notice of Violation #2229KC was issued to Mr. Woolery along with a fact sheet concerning open burning.									
Comp. No.	KC10097	Comp. Info	The open burning of unknown waste, possibly tires or roofing material, at a trailer court occurs three or four times a week. The responsible party may be hauling the waste in from unknown sources. The rural fire department has not been responding because it is a controlled burn and not regulated by them.						
KCRO	4/19/2005	3/17/2005	CG-PSF	Princeton	Gentry	Odors	Louise Craven	RAV	
Comments The complainant stated they would contact the department again on a day when the odors were severe, but there is no point in investigating when the odor is not severe.									
Comp. No.	KC10042	Comp. Info	There is a bad odor coming from the PSF site. The name of the site is Ruckman and it is a Class 1A facility.						
KCRO	4/19/2005	4/19/2005	SUN LUMBER	Blue Springs	Jackson	Fugitive Dust	Ken Hazard	RAV	2333K
Comments An inspector with the Missouri Department of Natural Resources' Kansas City Regional Office issued Notice of Excessive Emissions #2333KC for fugitive dust violation on April 22, 2005.									
Comp. No.	KC10070	Comp. Info	The complainant states there is excessive dust coming from the gravel driveway for a lumberyard, a trailer supply company, and a car part depot. The dust hinders driving on Highway 40 and covers cars on the complainant's used car lot.						
KCRO	4/20/2005	4/20/2005	TED ROUSH	Warsaw	Benton	Burning	Ron Davis	RAV	2334K
Comments An investigator with the Missouri Department Natural Resources' Kansas City Regional Office issued Notice of Violation #2334KC for open burning demolition debris.									
Comp. No.	KC10069	Comp. Info	The complainant reports Mr. Roush is open burning demolition debris through the week of April 11, 2005.						
KCRO	4/20/2005	4/18/2005	FLEXTECH INDUSTRIES	Clinton	Henry	Other	Anonymous	CD	
Comments The Department staff provided technical assistance for the shipment of waste off-site and the proper handling procedures for continued waste management handling.									
Comp. No.	KC10091	Comp. Info	The complainant states the company may have illegal storage of xylene, metal shavings, and old paints on the side of the building (near the parking lot) on the east side of the business. There is also gravel that appears to have oil in it.						

Department of Natural Resources
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Dates Received or Inspected: 4/1/2005 **through** 4/30/2005

Region	Inspection Date	Date Received	Suspected Source Owner/Operator	City	County Name	Type of Complaint	Complainant	Inspector Initials	NOV
KCRO	4/21/2005	4/19/2005	UNKNOWN	Calhoun	Henry	Burning/Odors	Anonymous	MRM	
Comments	Staff with the Missouri Department of Natural Resources' Kansas City Regional Office, Solid Waste Unit advised families in the area concerning the state open burning regulations. No evidence of illegal burning.								
Comp. No.	KC10068	Comp. Info	The complainant reports several families are dumping materials in large piles approximately 30 feet X 30 feet X 5 feet then burning the pile and repeating the cycle. The odor of unburned trash is blowing in the direction of the complainant's residence.						
KCRO	4/26/2005	4/21/2005	ST. PATRICKS CATHOLIC CHURCH	Holden	Johnson	Burning	Anonymous	ANS	A2199
Comments	A Notice of Violation #A2199KC issued to St. Patrick's Church for open burning.								
Comp. No.	KC10105	Comp. Info	The complainant reports the demolition of a house. The reported party burned the house approximately one month ago. The burned debris was then pushed into an old waste water system and covered with soil. The debris is still smoldering.						
KCRO	4/26/2005	4/19/2005	JUNK YARD (NAME UNKNOWN)	Kingsville	Johnson	Burning	Connie Clemens	ANS	A2200
Comments	A Notice of Violation #A2200KC was issued to Gary and Janice Herndon for open burning.								
Comp. No.	KC10104	Comp. Info	The complainant reports open burning at a junk yard, with black smoke possibly caused by burning tires, burning occurs approximately twice a week. The last one was April 13, 2005, at approximately 8:00 p.m. The fire department has come out before so there should be a report.						
KCRO	4/26/2005	4/25/2005	UNKNOWN	Lees Summit	Jackson	Odors	Patricia Todd	RAV	
Comments	The Missouri Department of Natural Resources does not regulate motor vehicle diesel emissions in this situation. The inspector discussed at length other options with the complainant.								
Comp. No.	KC10093	Comp. Info	The complainant reports diesel exhaust from the neighbor's vehicle is a nuisance. The reported party lets the idle for long periods of time and the exhaust goes into the complainant's home causing distress. This is particularly a problem in the winter when the vehicle idles a long time. An inspector with the Missouri Department of Natural Resources' Kansas City Regional Office told the complainant the vehicle emissions most likely are not regulated and it may be a civil matter between the complainant and the reported party. The inspector suggested someone from the Air Pollution Control Program contact the complainant if they have any additional information or assistance.						
KCRO	4/26/2005	4/26/2005	CAL ROWEN	Richmond	Ray	Burning	Tammy Pearson	RAV	
Comments	An inspector with the Missouri Department of Natural Resources' Kansas City Regional Office was not able to determine the exact location of the burning based on the complainant's directions and could not find any evidence of open burning. The reported party has an unlisted telephone number and the inspector could not contact him.								
Comp. No.	KC10114	Comp. Info	The complainant reports open burning of tires and other solid wastes. Please see the MEERTS report.						

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Dates Received or Inspected: 4/1/2005 **through** 4/30/2005

Region	Inspection Date	Date Received	Suspected Source Owner/Operator	City	County Name	Type of Complaint	Complainant	Inspector Initials	NOV
KCRO	4/26/2005	4/26/2005	BARBOUR CONCRETE	Independence	Jackson	Fugitive Dust	Anonymous	ANS	
Comments An inspector with the Missouri Department of Natural Resources' Kansas City Regional Office found no dust blowing off the property at the time of the inspection.									
Comp. No.	KC10084	Comp. Info	The complainant reports gray dust from a concrete plant is moving off-site and covering surfaces approximately a half of a mile away. It is especially bad on windy days. Today, April 19, 2005, was bad when the complainant contacted the regional office. Please check on another windy day when fugitive dust is a problem.						
KCRO	4/26/2005	4/1/2005	JAN ACKERMAN	Sibley	Jackson	Burning	Anonymous	RAV	
Comments The person who conducted the open burning recently sold the property and moved.									
Comp. No.	KC10098	Comp. Info	Open dumping and burning of materials, (limbs, dimensional lumber, trash, etc).						
KCRO	4/27/2005	4/26/2005	DAN BARBOUR & DAN KUTZY	Independence	Jackson	Fugitive Dust	Anonymous	ANS	
Comments An inspector with the Missouri Department of Natural Resources' Kansas City Regional Office noted no dust blowing off property at the time of the inspection									
Comp. No.	KC10086	Comp. Info	The complainant states the reorted party is having dust issues and the dust is blowing all over the cars and houses in area.						
KCRO	4/28/2005	4/26/2005	RAYTOWN SCHOOL	Raytown	Jackson	Asbestos	Anonymous	ANS	
Comments An inspector with the Missouri Department of Natural Resources' Kansas City Regional Office reports proper procedures being conducted for asbestos project. No violations.									
Comp. No.	KC10085	Comp. Info	The complainant reports asbestos is being removed at the Raytown School without the proper procedures such as containment. Workers are not wearing protective clothing.						
KCRO	4/29/2005	4/29/2005	BERNIE GERSTNER	St. Joseph	Buchanan	Burning/Other	Anonymous	MRM	A2196
Comments Unintentional spread of brush fire to adjacent materials An inspector with the Missouri Department of Natural Resources' Kansas City Regional Office will issue Notice of Violation #A2196KC for an un-permitted brush fire and included information on the State of Missouri's open burning regulations.									
Comp. No.	KC10106	Comp. Info	The complainant reports the demolition material from former Circle W restaurant, torn down two years ago, including tires and shingles and other material was illegally burned starting on Saturday April 15, 2005. The St. Joseph Fire Department arrived on the scene at 1:00 p.m. on April 16, 2005, but was blocked form entering the gate to the property by other vehicles. At the time of the complainant's call today the fire was still smoldering.						

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Dates Received or Inspected: 4/1/2005 **through** 4/30/2005

Region	Inspection Date	Suspected Source Owner/Operator	City	County Name	Type of Complaint	Complainant	Inspector Initials	NOV
NERO	4/29/2005	UNKNOWN	De Witt	Carroll	Burning	Trella Ward	MIH	
Comments	The department's Northeast Regional Office staff provided technical assistance to residents and city officials with respect to asbestos regulations and disposal of demolition waste. On April 29, 2005, department staff contacted Ms. Ward and asked for a specific location or directions to the site of the waste. Ms. Ward did not know, and suggested the inspector contact Ms. Norma Sparks, wife of the Mayor, at telephone number (660) 542- 0615, to obtain directions. The inspector contacted Ms. Sparks and she is not aware of the location but would contact the city police officer, Ms. Loraine Lester, to locate the waste and advise the owner the waste could not be burned. The inspector informed Ms. Ward staff from the Northeast Regional Office would be at the site early the next week to visit with the reported party and offer assistance on proper disposal of the waste.							
Comp. No.	NE11204	Comp. Info	The complainant reports a large pile of carpet and couches covered with treated and untreated lumber in the town of DeWitt and is concerned it may be torched soon.					
NERO	4/21/2005	LARRY HOLMES	Kahoka	Clark	Other	Anonymous		
Comments								
Comp. No.	NE11169	Comp. Info	The complainant reports Mr. Larry Holmes set a pile of railroad ties, brush and trash from his junk yard on fire yesterday. It is still smoldering today and affecting the health of citizens of Kahoka.					
NERO	4/25/2005	JOE MARTIN	Mexico	Audrain	Other	Anonymous		
Comments								
Comp. No.	NE11175	Comp. Info	The complainant reported a neighbor is burning tires and copper wire.					
NERO	4/25/2005	PARKER'S CREMATORY	Columbia	Boone	Other	Lou's Lounge		
Comments	An inspector with the Missouri Department of Natural Resources' Northeast Regional Office checked Parker's Crematory file and found there is a Basic Operating Permit requiring an annual submission of Emission Inventory Questionnaire, an annual Method 9, and a submission of an Operating Permit renewal six months prior to expiration. The permit expired in September so the renewal application is overdue. Parker's Crematory has not submitted an EIQ. An inspection should determine if annual Method 9 has been completed.							
Comp. No.	NE11176	Comp. Info	The complaint states particulate matter from Parker's Crematory is on his roof. The Columbia Health Department or staff from Parker's Crematory collected samples and had them analyzed. Ms. Lisa Hanlon, of the U.S. Environmental Protection Agency's Region VII contacted the regional office on April 25, 2005, and stated the Health Department had the samples analyzed.					
NERO	4/27/2005	DUSTIN VOTT	Fayette	Howard	Burning	Olivia Gill		
Comments								
Comp. No.	NE11187	Comp. Info	The complainant reports another home burned after department staff had been to Fayette inquiring about the Broadus home fire on April 21, 2005. It is believed the home was burned between April 23, 2005, and April 25, 2005. The home was located on Leonard Street near the intersection of Elm Street in Fayette. The owners live in Columbia but were originally from the Fayette area. Their first names are Dave and Carla, but the last name is unknown. The reported party demolished the home with the intention of constructing a new home on the lot. Mr. Dustin Vott tore down the house for them and pushed sections of the home in a hole dug on the property and then set it on fire. The hydraulic lines on Mr. Vott's dozer broke and caught on fire. The fire department had to go to the property to extinguish Mr. Vott's dozer.					

Department of Natural Resources
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Dates Received or Inspected: 4/1/2005 **through** 4/30/2005

Region	Inspection Date	Suspected Source Owner/Operator	City	County Name	Type of Complaint	Complainant	Inspector Initials	NOV
NERO	4/28/2005	KENNETH ROBERTS	Fayette	Howard	Burning	Olivia Gill		
Comments								
Comp. No.	NE11188	Comp. Info The complainant reports a house located on East Davis Street in Fayette was burned down the same weekend as the Broadus house on Walnut Street. Mr. Kenneth Roberts was the contractor who did the work. Mr. Roberts pushed the burn debris into an old cellar located on the property. The house is next door to Mayor Fisher's home and may be owned by the Mayor.						
NERO	4/18/2005	BROADUS, GERLT & BANKS	Fayette	Howard	Burning	Olivia Gill	MIH	
Comments An inspector with the Missouri Department of Natural Resources' Northeast Regional Office contacted Mr. Trevor Harris with the Mid Missouri Regional Planning Commission, who was arranging for a Community Block Grant for Fayette to demolish 31 homes. Mr. Harris needs the addresses and property owners names for the homes paid for with block grant funds before proceeding. The complainant said city official said bids were submitted, but homes were burned instead of being properly disposed. The inspector left a message for Mr. Harris.								
Comp. No.	NE11159	Comp. Info The house located on Walnut Street in Fayette, directly behind 314 East Morrison was pushed down by Mr. Kenneth Roberst and burned by the Broadus family on Saturday, April 16, 2005. The house was owned by the late Mr. Archie Broadus and was burned down by his relatives. The Fayette Fire Department responded to the fire and extinguished it after the siding on a different home owned by the Broadus family. The siding that melted has been tossed onto the pile of unburned debris from the Archie Broadus burned home. The City told people in Fayette to clean up their properties and they have been burning them. The City Administrator agrees the houses should not be burned down, but on the other hand is allowing it to happen without calling the Missouri Department of Natural Resources. Four houses located at the corner of Louisiana Street and Morrison Street and one located on South Park Street was burned down approximately one month ago by Donald Gerlt and Tommy Banks from Fayette.						
NERO	4/1/2005	VARIOUS	Millersburg	Callaway	Burning	Brenda J. Gray	MIH	
Comments								
Comp. No.	NE11103	Comp. Info Several pieces of property on Big Rock Road have old mobile homes being demolished. A salvage yard has scrap tires stored on it and the property caught fire the last week of March. The complainant believes nearby streams are being polluted with runoff from the properties and has concerns about the neighborhood children being hurt.						
NERO	4/29/2005	J & B FLEET	Glasgow	Howard	Odors	Anonymous		
Comments								
Comp. No.	NE11205	Comp. Info J & B Fleet is located in Glasgow, Missouri. They are an auto body repair business who contracts for UPS in the repair and painting of UPS trucks and trailers. They use large amounts of paint when painting the trucks and this is done with the garage door open. They have no system to handle the paint fumes and residue except a fan which only blows the paint out of the back of the building. Several residences are located nearby and this poses not only an environmental threat but a threat to health as well.						

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Dates Received or Inspected: 4/1/2005 **through** 4/30/2005

Region	Inspection Date	Date Received	Suspected Source Owner/Operator	City	County Name	Type of Complaint	Complainant	Inspector Initials	NOV
NERO		4/8/2005	DOUG FARLEY & SON	Portland	Callaway	Burning	Anonymous	MIH	
Comments									
Comp. No.	NE11122	Comp. Info	Last weekend an abandoned mobile home was burned along the river near Portland. The copper wire was salvaged and then burned. Other materials were salvaged from the mobile home also.						
NERO	4/1/2005	4/1/2005	XISHU	Jefferson City	Cole	Asbestos	Anonymous	PJ	
Comments									
Mr. Paul Jeffery told Marshall Enterprises to use a registered contractor to clean up the mess or they could wait for the sample to be analyzed on the chance that it is less than 1% asbestos. Mr. Jeffery collected a sample and sent it to a laboratory. Marshall Enterprises was aware of the asbestos regulations and sampling requirements. Mr. Jeffery will issue a Notice of Violation after the results are back. On April 8, 2005, Mr. Jeffery hand delivered sample results and Notices of Violation to Mrs. Pratt in the presence of Mr. Richard Schwartz and Ms. Nicole Eby.									
Comp. No.	NE11067	Comp. Info	Marshall Enterprises improperly removed asbestos shingles from a commercial building. The reported party used improper work practices and then shoveled the shingles off the roof into an alley approximately 25 feet below. The reported party removed approximately 900 square feet of shingles. The material was broken, dry and created a visible emission when it hit the ground.						
NERO	4/4/2005	4/4/2005	PSF WHITETAIL	Unionville	Putnam	Odors	Melody Torrey	SMB	
Comments									
No on-site investigation made in response to this report due to the quickly changing variation in odors from changes in weather conditions and because of the one to two day advance notice required by the lab prior to analysis of air samples. An investigation will be scheduled during the next on-site investigation of this facility.									
Comp. No.	NE11079	Comp. Info	On April 3, 2005, at 9:32 p.m., the complainant made the following report of odors from PSF Whitetail, " Fred, Leta, and Melody Torrey would like to file an odor complaint. The odor moved in as we were enjoying our property by sitting outside after a days work. The odor was a strong hog barn smell. There was no wind at the time the odor moved in. Another ruined evening due to the odor from that factory farm."						
NERO	4/4/2005	4/4/2005	PSF WHITETAIL	Unionville	Putnam	Odors	Jack Parrish	SMB	
Comments									
No on-site investigation made in response to this report due to the quickly changing variation in odors from changes in weather conditions and because of the one to two day advance notice required by the lab prior to analysis of air samples. An investigation will be scheduled during the next on-site investigation of this facility.									
Comp. No.	NE11071	Comp. Info	On April 2, 2005, at 7:54 p.m. the complainant contacted the department to make the following report of odors at PSF Whitetail, "At 5:50 p.m. when I went outside to fasten the chickens up for the night, the smell was pretty gross. I want it on record they were stinking again."						

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Region	Inspection Date	Date Received	Suspected Source Owner/Operator	City	County Name	Type of Complaint	Complainant	Inspector Initials	NOV
NERO	4/4/2005	4/1/2005	UNKNOWN	Columbia	Boone	Fugitive Dust/Particulate	Richard Steradori	DLK	
Comments	Emery Sapp and Son's, Inc. is using a mobile crusher rented from Roland Machinery to crush part of Old 63 Road at Grindstone Parkway. The length of road to be crushed is 100-200 yards in length. Particulate is leaving the property to the east and is entering the parking lot of The Bluffs Long Term Care Facility. The investigator conducted two consecutive six minute opacity readings of the conveyor discharge plume. The first six minute Method 9 average is 45.83% and the second six minute average is 48.75%. An inspector with the Missouri Department of Natural Resources' Northeast Regional Office spoke with Mr. Sean Sapp and Mr. Scott Stuckey at Emery Sapp and Son's, Inc. Columbia office and stated they just found out after the inspection the crusher was outfitted with a water spray system and it would be made functional by the afternoon. Mr. Sapp stated after this piece of roadway is crushed, the machinery will be returned to Roland Machinery. The inspector went back to the crushing site after speaking with Mr. Sapp and Mr. Stuckey and found a water tank was attached to the crusher at that time. Pictures of the crushing operation were taken during both visits. On April 8, 2005, the inspector contacted Roland Machinery Company. Roland Machinery Company stated this piece of equipment is a Nordberg LT1213 and the department determined no construction permit is required in New Source Review Permit Application, Project Number: 2002-06-102. On April 7, 2005, Mr. Paul Jeffery contacted the Northeast Regional Office because on April 6, 2005, at 4:23 p.m. Mr. Jeffery observed an instantaneous opacity of 90-100% while traveling east on Nifong. Mr. Jeffery stated earlier in the week the material leaving the discharge conveyor appeared wet. Notice of Excess Emissions #0863NE and #0864NE will be issued for the opacity exceedance observed on April 4, 2005, and for fugitive particulate leaving the property and entering the property of The Bluffs Long Term Care Facility.								
Comp. No.	NE11061	Comp. Info	Plant is making gravel. The dust is really bad.						
NERO	4/4/2005	3/31/2005	UNKNOWN	Columbia	Boone	Other	Jessica Creek	DLK	
Comments	A sample of the dust was taken from apartment 604 of Paquin Towers. The dust sample was sent to EnvironHealth Technologies in St. Louis for Particle Identification on April 7, 2005. EnviroHealth Technologies Laboratory Report 05-04-01726 shows the sample collected on April 4, 2005, contains: Cellulose 70-80%, Synthetic Fiber10-20%, Hair 1-3%, Feathers 1-3%, and Skin Cells 1-3%.								
Comp. No.	NE11050	Comp. Info	The complainant lives in Paquin Towers on the west side on the sixth floor. The complainant reports a material she believes to be white coal ash is getting into her apartment. She has the window open. She has lived in the apartment for four years, but the dust has only been a problem for the last year or year and a half. She believes white coal ash is coming from MU's Power Plant. She contacted them approximately a year ago with no results. On March 31, 2005, the complainant said she wished to remain anonymous. On April 4, 2005, the complainant called back and said she no longer wished to be anonymous and she wanted us to sample the dust in her apartment.						
NERO	4/4/2005	4/1/2005	EUGENE HATFIELD	Hurdland	Knox	Burning	Anonymous	LJS	
Comments	An inspector with the Missouri Department of Natural Resources' Northeast Regional Office observed a small burn site in the ditch on 3rd street. The only residue identifiable was a small couch or bed spring. There were no signs of tires being burned. Mr. Hatfield said burned a small amount of carpet and a small couch. Mr. Hatfield said no tires were burned and he was unaware of the restrictions against burning. The area of dumping and burning is located in a small area of the ditch on 3rd street. Mr. Hatfield will be sent a letter of warning.								
Comp. No.	NE11147	Comp. Info	A concerned citizen from Hurdland, Missouri wanted to file a complaint about dumping in the city ditches along 2nd and 3rd streets. Once the ditches are full, people are burning the materials. Not only does it consist of regular trash but tires are being burned as well. Apparently, the dumping is bringing rodents (rats, mice) and bugs (roaches, ants). We may expect more calls from the citizens of Hurdland. They are getting a new city board and this is a major issue with the citizens of the town and they want it addressed.						

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Dates Received or Inspected: 4/1/2005 **through** 4/30/2005

Region	Inspection Date	Date Received	Suspected Source Owner/Operator	City	County Name	Type of Complaint	Complainant	Inspector Initials	NOV
NERO	4/4/2005	3/30/2005	NORRIS AGGREGATE	Huntsville	Randolph	Fugitive Dust	Dennie Johnson	MGS	
Comments	The inspector with the Missouri Department of Natural Resources' Northeast Regional Office observed the quarry crusher operating and no dust leaving the property from the Norris Aggregates Products Company. No violation of 10 CSR 10-6.170 Restriction of Particulate Matter to Ambient Air Beyond the Premises of Origin. During the follow-up investigation on April 19, 2005, although the quarry was operating and the wind blew 20 to 30 miles per hour from the south and southwest, there was no dust blowing across the property boundary onto the Johnson property. The inspector spoke with the complainant who assured the inspector a follow up visit to the quarry along Randolph County Road 2130 when the wind is from the south or southwest would show dust crossing the property boundary onto the Johnson land. The inspector did not observe any violation was on April 4, 2005, or on April 19, 2005.								
Comp. No.	NE11048	Comp. Info	Norris Aggregate Quarry on Highway 3, South of Huntsville has large amounts of dust leaving the property and coming onto the complainant's property. The wind is blowing hard today and there is a cloud of dust over his property. The dust is a problem any time wind is out of the south or southwest.						
NERO	4/5/2005	4/4/2005	CECIL GRAVES	Millersburg	Callaway	Burning	Jason Bedsworth	SMB	
Comments	An inspector with the Missouri Department of Natural Resources' Northeast Regional Office spoke with Mr. Jason Bedsworth. Mr. Bedsworth will mail the department a copy of his incident report. There were several dump truck loads of shingles possibly from Mr. Cecil Graves' jobs. The address given is the father's address. The father arrived at the scene after the fire department arrived. It seems Mr. Graves, Sr. may have been responsible for the burning, but the waste is his son's. The burning took place at the site of a new house construction but there were more shingles than would have come from one house. The inspector drove by the property on April 7, 2005. The waste is mostly shingles, with other construction waste included. The inspector estimated approximately six pick-up loads of shingles. Mr. Cecil P. Graves burned waste in two locations. They burned some waste approximately 50 or 100 feet from the home under construction. It appears someone may be living in the house. The largest pile of shingles had been put out by the fire department. These were located approximately 100 to 150 yards downhill west of the house along the driveway. Pictures were taken of the waste piles. No one was at the property, although tracks showed someone had been there that morning. The inspector went by Mr. Cecil P. Graves' house in Fulton and no one was there. The inspector received a call from Mr. Cecil P. Graves on April 8, 2005, at 10:45 a.m. The inspector issued Notice of Violation #0680NE to Mr. Cecil P. Graves based on the fire department incident report. The inspector issued Notice of Violation #1734NE to Mr. Cecil D. Graves for illegal disposal of shingles and construction waste on the Mr. Cecil D. Graves' property. The department requires disposal of waste at a permitted landfill within 60 days of receipt of the report. The inspector requested Mr. Cecil P. Graves provide Northeast Regional Office with landfill receipts within 75 days of the receipt of the report. The inspector will stop by when in the area.								
Comp. No.	NE11085	Comp. Info	The complainant was dispatched to an illegal fire containing construction debris including asphalt shingles, vinyl siding and lumber. The fire was discovered by a deputy sheriff at 11:00 p.m. on April 2, 2005. The fire was extinguished and the owner was advised not to rekindle it.						
NERO	4/5/2005	4/4/2005	JAMES LAGE	Jefferson City	Cole	Burning	J. Turner, Fire Chief	SMB	
Comments	An inspector with the Missouri Department of Natural Resources' Northeast Regional Office contacted Mr. Lage by telephone and informed him of the Open Burning Regulations. Mr. Lage had contacted both the Cole County and Jefferson City Fire Departments before burning, but had not been informed of the 200 yard setback requirement for open burning of brush outside city limits. Mr. Lage stated he has some more to burn and will follow those requirements with the rest of the brush. Mr. Lage is aware of the requirements that the waste from construction jobs cannot be burned. Mr. Lage stated he takes this waste to a landfill for disposal. The investigator informed Mr. Lage of Open Burning Regulations by providing technical bulletins.								
Comp. No.	NE11094	Comp. Info	The Jefferson City Fire Chief contacted Mr. Brian Newby, of the department's Air Pollution Control Program. Mr. Newby spoke with Mr. James Lage, who explained the fire was outside of the city limits. The fire was near a subdivision and was filling the subdivision with smoke. The local Fire Chief said the fire was 75 feet from the subdivision. Mr. Newby and the Fire Chief told Mr. Lage to cover the fire with dirt to put it out. Mr. Lage agreed to do so.						

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Dates Received or Inspected: 4/1/2005 **through** 4/30/2005

Region	Inspection Date	Date Received	Suspected Source Owner/Operator	City	County Name	Type of Complaint	Complainant	Inspector Initials	NOV
NERO	4/6/2005	4/6/2005	PSF WHITETAIL	Unionville	Putnam	Odors	Melody Torrey	SMB	
Comments	No on-site investigation made in response to this report due to the quickly changing variation in odors from changes in weather conditions and because of the one to two day advance notice required by the lab prior to analysis of air samples. An investigation will be scheduled during the next on-site investigation of this facility.								
Comp. No.	NE11222	Comp. Info	On April 5, 2005, at 9:38 p.m., the complainant filed the following report of odors at PSF Whitetail was, "I would like to file an odor complaint. As I drove by the site this morning and this evening I encountered strong gassy and lagoon odors coming off their factory farm. The odor made it very difficult breath and burned my eyes and nose."						
NERO	4/6/2005	4/6/2005	PSF VALLEY VIEW	Green City	Sullivan	Odors	Rolf Christen	SMB	
Comments	An inspector with the Missouri Department of Natural Resources' Northeast Regional Office conducted an on-site inspection of odors downwind from PSF Valleyview from 9:10 to 10:30 a.m. Odors were present at three different locations but all were below the 7:1 dilution threshold. The inspector contacted the complainant, Mr. Ray Catlett, during the inspection. Odors were present at the complainant's home at the time of the inspection. Mr. Catlett said he noted the odors, but they were not very strong. Odors were present at a 2:1 dilution threshold. Mr. Catlett's home is approximately three miles from the facility. Later, Mr. Catlett filed a report of odors from PSF Valley View for the time of the investigation.								
Comp. No.	NE11234	Comp. Info	On April 5, 2005, at 8:14 p.m., the complainant reported odors from PSF Valleyview as follows, "Very strong odors here at our house. Winds are from the south. The odor must be at Valleyview."						
NERO	4/6/2005	4/6/2005	PSF WHITETAIL	Unionville	Putnam	Odors	Melody Torrey	SMB	
Comments	An inspector with the Missouri Department of Natural Resources' Northeast Regional Office conducted an on-site investigation at PSF Whitetail from 6:40 a.m. to 8:40 a.m. Odors were detected at 7:1 dilution threshold at three locations downwind from the facility. At the junction of Highway 129 and 150th Street, odors were detected twice within one hour. In response, the inspector collected an air sample and submitted it to St. Croix Sensory for analysis. The olfactometry results were under the detection threshold and intensity limits required for compliance under the confined animal feeding operations odor regulation. No violation found during the on-site investigation of odors.								
Comp. No.	NE11221	Comp. Info	On April 6, 2005, odors from PSF Whitetail were noted as follows, "Fred, Leta, and Melody Torrey would like to file an odor complaint. I first noticed the odor around 3:15 a.m. At that time, the odor was a strong hog barn smell later on, Fred and Leta stated the odor moved in as strong as ever."						
NERO	4/6/2005	3/28/2005	PREMIUM STANDARD FARMS	Milan	Sullivan	Odors	Anonymous	SMB	
Comments	An inspector with the Missouri Department of Natural Resources' Northeast Regional Office conducted an on-site odor investigation from 10:45 a.m. to 11:30 a.m. downwind from the facility. The investigator detected odors on Route OO in several locations. All the odors were below the 7:1 dilution threshold required in the odor regulation. The investigator contacted Mr. Mike Keith with the findings of investigation. No violation was found of odor regulation.								
Comp. No.	NE11034	Comp. Info	The complainant left a voice mail message with two reports of odors from the Milan Packing Plant as follows, "At 2:30 p.m. on Wednesday, March 23, 2005, on Highway 6, at Milan, odors from the packing plant were extremely strong. They were very strong. On Friday, March 25, 2005, at 3:30 p.m., there were extremely strong odors from the packing plant. Both times the winds were from the north. It was really bad."						

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Dates Received or Inspected: 4/1/2005 **through** 4/30/2005

Region	Inspection Date	Date Received	Suspected Source Owner/Operator	City	County Name	Type of Complaint	Complainant	Inspector Initials	NOV
NERO	4/6/2005	4/5/2005	PSF WHITETAIL	Unionville	Putnam	Odors	Melody Torrey	SMB	
Comments	An inspector with the Missouri Department of Natural Resources' Northeast Regional Office conducted an on-site investigation at PSF Whitetail from 6:40 a.m. to 8:40 a.m. The inspector detected odors at 7:1 dilution threshold at three locations downwind from the facility. At the junction of Highway 129 and 150th Street, odors were detected twice within one hour. In response, the inspector collected an air sample and submitted it to St. Croix Sensory for analysis. The olfactometry results were under the detection threshold and intensity limits required for compliance under the confined animal feeding operations odor regulation. No violation of the confined animal feeding operations and odor regulation found during the investigation.								
Comp. No.	NE11089	Comp. Info	On April 4, 2005, at 9:23 p.m., the complainant reported odors from PSF Whitetail as follows, "I would like to file an odor complaint. As I drove by the factory farm going East this morning, then again as I drove West this afternoon, I encountered strong gassy/lagoon odor coming off their factory farm. The odor made it impossible to breath. The odoe burned my eyes and nose."						
NERO	4/6/2005	4/6/2005	ELIZABETH STROBEL	Russellville	Cole	Odors	Anonymous	SMB	
Comments	Application of fertilizer for agricultural activities is exempt from odor regulations.								
Comp. No.	NE11108	Comp. Info	Hog waste is being applied to a farm field and wind is blowing spray onto the public road vehicles travelling on the road. Strong odors as well. Note: Information (obtained on MEERTS Incident form) on property use indicates it is a family farm and is not a confined animal feeding operation.						
NERO	4/8/2005	4/8/2005	WALLY & DARLENE SPENCER	Portland	Callaway	Burning	Anonymous	MIH	
Comments	An inspector with the Missouri Department of Natural Resources' Northeast Regional Office met with Mrs. Darlene Spencer at the Spencer property. The inspector observed a small amount of smoldering coming from burning in a barrel. Mrs. Spencer told the inspector she burned some trash out of the shed earlier. Mrs. Spencer aslo stated her husband worked from 6:00 a.m. to 4:00 p.m. at the Callaway County Nuclear Plant and he had not been home to burn anything. There was a trash dumpster sitting in the front yard near the driveway from Ebersol Trash Service. Mrs. Spencer said she burned some household waste after she had filled her dumpster. The inspector asked Mrs. Spencer if she received our letter regarding the open burning restrictions and she said they had and they had written back to our office stating they would not violate the open burning restrictions. The inspector discussed with Mrs. Spencer the necessity to comply with the state regulations. Mrs. Spencer stated she understood what they could and could not burn. No violations of the state regulations were observed at the time of the investigation.								
Comp. No.	NE11123	Comp. Info	The complainant reports approximately one hour ago, Wally and Darlene Spencer, of Portland, started burning insulation off of copper wire in a barrel at their shed. They are also burning clothing, cardboard boxes, shoes and boots brought from Ms. Spencer's sister's secondhand store (called Fred's Closet) located in Rolla. They go through items brought from the store and burn what they cannot use. The items are kept in the garage or in a tin shed. Also, several rolls of wire with insulation on them are stacked along the outside wall of the shed, possibly in preparation for burning. Mr. Spencer states that much of the burning will take place on weekends.						

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Dates Received or Inspected: 4/1/2005 **through** 4/30/2005

Region	Inspection Date	Date Received	Suspected Source Owner/Operator	City	County Name	Type of Complaint	Complainant	Inspector Initials	NOV
NERO	4/11/2005	4/11/2005	PSF WHITETAIL	Unionville	Putnam	Odors	Melody Torrey	SMB	
Comments No on-site investigation made in response to this report due to the quickly changing variation in odors from changes in weather conditions and because of the one two day advance notice required by the lab prior to analysis of air samples. An investigation will be scheduled during the next on-site investigation of this facility.									
Comp. No. NE11223 Comp. Info On April 10, 2005, at 10:00 p.m., the complainant filed the following report of odors from PSF Whitetail, "Fred, Leta, and Melody Torrey would like to file an odor complaint. The odor was with us early the next morning discouraging me from working out in the yard yet again. The odor then came and went all day. I was home later on that afternoon and started working in the yard when the odor came in again as bad as ever. I was soon forced to go into the house. Again the odor was making me sick to my stomach. The odor has either been a strong hog barn smell or a strong lagoon odor of pure hog manure. If this is just a sample of what we are to expect from this factory farm so early in the year, we will be nothing but prisoners in our own home, unable to enjoy our property for the summer. If their technology was going to work it would have been working long before now. This just goes to prove like everyone has been saying the technology at the Whitetail Site is nothing but a failure. Not only has the people around the site been saying it but the committee picked to study it also stated it."									
NERO	4/11/2005	4/11/2005	PSF WHITETAIL	Unionville	Putnam	Odors	Melody Torrey	SMB	
Comments No on-site investigation made in response to this report due to the quickly changing variation in odors from changes in weather conditions and because of the one to two day advance notice required by the lab prior to analysis of air samples. An investigation will be scheduled during the next on-site investigation of this facility.									
Comp. No. NE11224 Comp. Info On April 8, 2005, at 10:08 p.m., the complainant filed a report of odors from PSF Whitetail, "April 7, 2005, Mr. Scott Dye would like to file an odor complaint. Mr. Dye states from the time he got to his mother's place around 5:00 p.m. until he went inside around 11:00 p.m., the odor was horrible. The odor was a strong lagoon smell." On April 9, 2005, at 11:58 p.m., the complainant filed the following report of odors on PSF Whitetail, "I would like to file an odor complaint. The odor moved in this evening. The odor was a strong hog barn smell, and there was no wind at the time the odor moved in."									
NERO	4/11/2005	4/11/2005	PSF GREEN HILLS	Green City	Sullivan	Odors	Ilse Christen	SMB	
Comments No on-site investigation made in response to this report due to the quickly changing variation in odors from changes in weather conditions and because of the one to two day advance notice required by the lab prior to analysis of air samples. An investigation will be scheduled during the next on-site investigation of this facility.									
Comp. No. NE11229 Comp. Info On April 9, 2005, the complainant filed the following three reports of odors from PSF Green Hills, "Just wanted to report several incidents of strong hog odors. Wednesday, at approximately 8 p.m., we noticed the odors were quite bad at our house. At 8:40 p.m., Mr. Gary Perkins called to say it was very bad at his place. Thursday, again in the evening, around 7:30 p.m., it was bad at our house. On both nights the wind was very calm and it was hard to say where it came from, but it was probably from the North out of Green Hills."									
NERO	4/11/2005	4/11/2005	HEINKE HOG OPERATION	Princeton	Mercer	Odors	John Windsor	AIS	
Comments The Heinke hog operation is not subject to the Odor Regulation because it is not a Class 1A Confined Animal Feeding Operation.									
Comp. No. NE11129 Comp. Info Contract farmer for PSF has two barns. The odor has been bad since Thursday of last week.									

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Dates Received or Inspected: 4/1/2005 **through** 4/30/2005

Region	Inspection Date	Date Received	Suspected Source Owner/Operator	City	County Name	Type of Complaint	Complainant	Inspector Initials	NOV
NERO	4/11/2005	4/11/2005	MEL MERRILL	Princeton	Mercer	Odors	Mel Merrill	AIS	
Comments The Heinke Hog operation is not subject to the odor regulations because they are not a Class 1A Confined Animal Feeding Operation.									
Comp. No.	NE11130	Comp. Info	The complainant stated odors from the hog operation were bad since last Thursday. The source of the odor is Heinke Hog Operation, a contractor for PSF. The operation has two barns approximately five miles North of the complainant.						
NERO	4/11/2005	4/11/2005	HEINKE HOG OPERATION	Princeton	Mercer	Odors	Alan Schooler	AIS	
Comments Heinke Hog Operation is not a Class 1A Confined Animal Operation and is not subject to the odor regulation.									
Comp. No.	NE11128	Comp. Info	The complainant reported very bad odors generated by Heinke Hog Operation, a contractor for PSF.						
NERO	4/11/2005	4/11/2005	PSF VALLEY VIEW	Green City	Sullivan	Odors	Ilse Christen	SMB	
Comments No on-site investigation made in response to this report due to the quickly changing variation in odors from changes in weather conditions and because of the one to two day advance notice required by the lab prior to analysis of air samples. An investigation will be scheduled during the next on-site investigation of this facility.									
Comp. No.	NE11235	Comp. Info	On April 9, 2005, at 8:54 p.m., the complainant made the following report of odors from PSF Valleyview, "Friday night, April 8, 2005, 8 p.m., Mr. Jerry Jacobs called to report the odors were really bad at his place. The winds were from the East."						
NERO	4/12/2005	4/11/2005	PSF WHITETAIL	Unionville	Putnam	Odors	Melody Torrey	SMB	
Comments No on-site investigation made in response to this report due to the quickly changing variation in odors from changes in weather conditions and because of the one to two day advance notice required by the lab prior to analysis of air samples. An investigation will be scheduled during the next on-site investigation of this facility.									
Comp. No.	NE11225	Comp. Info	On April 11, 2005, at 9:02 p.m., the complainant filed the following two reports of odors from PSF Whitetail, "April 11, 2005, I would like to file an odor complaint. As I drove by the site going East around 4:30 a.m., I encountered a strong gassy odor coming off their factory farm. The odor seemed to take all the available oxygen out of my truck and left me gasping for breath, coughing, and gagging. At the time, it had just started to rain and I did not run out of this smell until I was East of it. Then, the odor lingered in my truck for a long time." "April 11, 2005, Fred, Leta, and Melody Torrey would like to file an odor complaint. They stated the odor had moved in so bad around 11:00 a.m. that Fred was forced to shut his shop up tight due to the odor making him sick. The odor was still with us when I got home around 4:00 p.m., the wind is out of the East Southeast."						
NERO	4/13/2005	4/13/2005	PSF GREEN HILLS	Green City	Sullivan	Odors	Ilse Christen	SMB	
Comments No on-site investigation made in response to this report due to the quickly changing variation in odors from changes in weather conditions and because of the one to two day advance notice required by the lab prior to analysis of air samples. An investigation will be scheduled during the next on-site investigation of this facility.									
Comp. No.	NE11230	Comp. Info	On April 23, 2005, at 5:52 p.m., the complainant reported odors from PSF Green Hills as follows, "Just now, at 5:50 p.m., on Tuesday April 12, 2005, Mr. Gary Perkins called to tell us it just started to smell really bad at his house. The odor is coming from the North."						

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Dates Received or Inspected: 4/1/2005 **through** 4/30/2005

Region	Inspection Date	Date Received	Suspected Source Owner/Operator	City	County Name	Type of Complaint	Complainant	Inspector Initials	NOV
NERO	4/14/2005	4/13/2005	HOLCIM	Clarksville	Pike	Odors	Sean Mansfield	DLK	
Comments	An inspector with the Missouri Department of Natural Resources' Northeast Regional Office conducted a routine air pollution inspection of this facility on April 14, 2005. During the inspection, no odors were detected and the facility was running normal. The regional office requested monitoring data at this time for April 13, 2005, (the day of the odor complaint). The facility data for April 13, 2005, shows all systems operating normally. Mr. Mansfield lives in a straight line, approximately nine miles from this facility. The department has not received any other concerns of odors. The inspector did not observe any violations. The facility was running normally on April 13, 2005, with no upsets or changes in fuels.								
Comp. No.	NE11139	Comp. Info	Today at the complainant's house, odors from the Holcim Cement Kiln made his eyes water and his nose burn. The winds are blowing out of North Northeast.						
NERO	4/18/2005	4/14/2005	JEFF JOHNSON	Brazito	Cole	Fugitive Dust/Odors	Karen Bastean	DLK	
Comments	An inspector with the Missouri Department of Natural Resources' Northeast Regional Office met with Mr. Jeff Johnson at Johnson Garage. The reported party was not painting at the time of this investigation. The inspector did not detect odors at this time. Mr. Johnson showed Mr. Kinkhorst the paint room on this site. The paint room is indoors and is filtered for particulate. Mr. Johnson stated he does not paint outside. Mr. Kinkhorst gave Mr. Johnson a guide to environmental compliance for collision repair. No violations observed at the time of the investigation.								
Comp. No.	NE11143	Comp. Info	A small garage is being operated out of a house and they painted a van with primer yesterday outdoors in front of the garage building. The fumes blowing towards the neighbor's house were terrible. Today they are getting ready to paint the vehicle and the complainant is concerned the odors will be bad again. The wind is blowing in the same direction as it was when they applied the primer to the vehicle.						
NERO	4/18/2005	4/18/2005	PSF VALLEY VIEW	Green City	Sullivan	Odors	Rolf Christen	SMB	
Comments	An inspector with the Missouri Department of Natural Resources' Northeast Regional Office conducted an on-site investigation from 6:20 a.m. to 8:06 a.m. downwind from the facility. The inspector detected odors at two locations at a 7:1 dilution threshold. The inspector could not detect odors the second time at the 7:1 dilution threshold within one hour. The odors became lighter after 7:30 a.m. Weather conditions were partly cloudy, 55 degrees Fahrenheit, and winds were light at less than five miles per hour. The odors were detected about one and one-quarter miles North of the facility at a location adjoining non-spreading agreement properties surrounding the PSF Valley View properties. No violation of confined animal feeding operations odor regulation during investigation.								
Comp. No.	NE11199	Comp. Info	On April 16, 2005, at 10:34 a.m., the complainant reported the following 12 reports of odors from PSF Valleyview recorded by Mr. Ray Catlett, "March 6, 2005, at 4:00 p.m. at his house; March 12, 2005, at 9:00 a.m. at the Miller Farm; March 17, 2005, 7:00 a.m. at his house all day long; March 20, 2005, at 6:00 p.m. at the Miller Farm; March 24, 2005, 7:00 a.m. at his house and 5:00 p.m. at the Miller Farm; March 28, 2005, 5:30 p.m. at the Miller Farm; March 30, 2005, at 12:00 noon at his house; April 6, 2005, at his house all morning; April 11, 2005, at 8:00 a.m. at his house and again at 5:00 p.m.; April 13, 2005, afternoon at the Miller Farm; April 15, 2005, at 9:00 a.m. at his house; and April 16, 2005, at 7:00 a.m. at his house."						
NERO	4/18/2005	4/18/2005	PSF WHITETAIL	Unionville	Putnam	Odors	Melody Torrey	SMB	
Comments	An inspector with the Missouri Department of Natural Resources' Northeast Regional Office conducted an on-site investigation at PSF Whitetail from 9:50 a.m. to 10:55 a.m. land application was taking place approximately one mile South of the location, where odors were detected. The inspector did not detect the odors at the 7:1 dilution threshold. The inspector contacted John and Linda Laughlin, who were approximately downwind from land application site. They detected strong odors at their home over the past weekend. The weather conditions were clear skies, the temperature was 60 degrees Fahrenheit, and the winds were from the South. No violation found of odor regulation at time of investigation.								
Comp. No.	NE11197	Comp. Info	On April 17, 2005, at 10:01 p.m., the complainant made the following report of odors from PSF Whitetail, "April 15, 2005, Fred and Leta Torrey would like to file an odor complaint. The odor was horrible at 7:00 a.m. and it was a strong hog manure smell."						

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Region	Inspection Date	Date Received	Suspected Source Owner/Operator	City	County Name	Type of Complaint	Complainant	Inspector Initials	NOV
NERO	4/18/2005	4/14/2005	UNKNOWN	Jefferson City	Cole	Burning	Jennifer Carlson	MIH	
Comments	An inspector with the Missouri Department of Natural Resources' Northeast Regional Office located the house at 5217 Lohman Road. The house is very well kept with a well maintained yard. The inspector did not observe any waste in the yard or an area where a fire had recently taken place. The inspector contacted the concerned citizen and was told the items did not burn. The items were later picked up by a different individual and moved from the property. The inspector explained the open burning restrictions to the concerned citizen so she would know what was a violation and what was not and gave her the telephone number to the Northeast Regional Office to contact in the future. The inspector did tell the complainant if a fire actually took place after hours or on the weekend she should contact her local fire department. The inspector did not observe any violation of the open burning restrictions during the investigation.								
Comp. No.	NE11135	Comp. Info	The complainant informed the department's Environmental Emergency Response team of an illegal fire. The reported party was burning awnings, bicycles, and tables in this fire. It was not affecting a waterway and appeared to be under control. The complainant said it is a nuisance and the smoke is over the whole neighborhood. The duty officer suggested she contact the local fire department.						
NERO	4/18/2005	4/14/2005	PREMIUM STANDARD FARMS	Milan	Sullivan	Odors	Anonymous	SMB	
Comments	An inspector with the Missouri Department of Natural Resources' Northeast Regional Office conducted an on-site investigation downwind at the plant from 8:20 a.m. to 9:05 a.m. The wind was blowing from the South Southwest at less than ten miles per hour with clear skies. There were odors detected but at less than a 7:1 dilution threshold. The odors were very intermittent and smelled like burned hair and like a cooking odor. No violation of odor regulation found during an on-site investigation.								
Comp. No.	NE11140	Comp. Info	The complainant left a message on April 13, 2005, at 10:46 p.m. saying, "At 9:30 p.m., as we drove by the Milan Packing Plant, there was a rotten meatpacking plant odor that took our breath away. It made it very difficult for us to breathe as we passed through the area in our vehicle.						
NERO	4/18/2005	4/12/2005	CENTRAL MO LAWN CARE	Jefferson City	Cole	Burning	Anonymous	MIH	
Comments	Ms. Mary Hopke, an inspector with the Missouri Department of Natural Resources' Northeast Regional Office went to the business and could not make contact with anyone. Mary observed the area located behind the business where burning previously took place. This area could be viewed from the entrance of the property. On April 21, 2005, Mary went to the business but could not make contact with anyone. April 26, 2005, Mary obtained a telephone number and left a message on answering machine for someone to contact her. On April 27, 2005, Mary left another message on answering machine for someone to contact her. On April 29, 2005, a letter was mailed to the business advising of the Open Burning Restrictions and a copy of Facts on Open Burning Under Missouri Regulations technical bulletin. The letter asked for a written response on or before May 15, 2005, which states their intention to comply with the Open Burning Restrictions.								
Comp. No.	NE11134	Comp. Info	Central Missouri Lawn Care, also know as Central Missouri Turf Management, has been open burning pallets and other debris all winter long at their facility.						
NERO	4/19/2005	4/19/2005	PSF VALLEY VIEW	Green City	Sullivan	Odors	Rolf Christen	SMB	
Comments	No on-site investigation made in response to this report due to the quickly changing variation in odors from changes in weather conditions and because of the one to two day advance notice required by the lab prior to analysis of air samples. An investigation will be scheduled during the next on-site investigation of this facility.								
Comp. No.	NE11198	Comp. Info	On April 18, 2005, at 7:40 p.m., the complainant made the following report of odors from PSF Valleyview, "We are getting odors at our house at this time. The winds are from the South Southeast, the odors must be from Valley View."						

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Dates Received or Inspected: 4/1/2005 **through** 4/30/2005

Region	Inspection Date	Date Received	Suspected Source Owner/Operator	City	County Name	Type of Complaint	Complainant	Inspector Initials	NOV
NERO	4/19/2005	4/19/2005	PSF VALLEY VIEW	Green City	Sullivan	Odors	Rolf Christen	SMB	
Comments	No on-site investigation made in response to this report due to the quickly changing variation in odors from changes in weather conditions and because of the one to two day advance notice required by the lab prior to analysis of air samples. An investigation will be scheduled during the next on-site investigation of this facility.								
Comp. No.	NE11200	Comp. Info	On April 16, 2005, at 10:34 a.m., the complainant reported the following 12 reports of odors from PSF Valleyview recorded by Mr. Ray Catlett, "March 6 2005, at 4:00 p.m. at his house; March 12, 2005, at 9:00 a.m. at the Miller Farm; March 17, 2005, at 7:00 a.m. at his house all day long; March 20, 2005, 6:00 p.m. at the Miller Farm; March 24, 2005, at 7:00 a.m. at his house and 5:00 p.m. at the Miller Farm; March 28, 2005, at 5:30 p.m. at the Miller Farm; March 30, 2005, at 12:00 p.m. at his house; April 6, 2005, at his house all morning; April 11, 2005, at 8:00 a.m. at his house and again at 5:00 p.m.; April 13, 2005, at the Miller Farm all afternoon long; April 15, 2005, at 9:00 a.m at his house; and April 16, 2005, at 7:00 a.m. at his house."						
NERO	4/19/2005	4/14/2005	BOONE QUARRIES WEST	Columbia	Boone	Fugitive Dust	Larry Bossalla	DLK	
Comments	The wind is out of South Southwest at 5 miles per hour. No airborne Particulate Matter is leaving the property. Particulate Matter on paved facility haul roads is becoming airborne but is not leaving the property. Particulate Matter is being tracked by wet tires onto North Stadium Boulevard. The particulate matter at the MFA Oil & Propane (2507 North Stadium), across the road from the quarry, has an unpaved lot that is dusty but not leaving the property. The manager of MFA said they have their lot treated with surfactant at least one time per year and the quarry waters the lot at least one time per day. Don Kinkhorst, an inspector with the Missouri Department of Natural Resources' Northeast Regional Office, met with Mr. Larry Moore, CEO of Con-Ag of MO LLC (The quarry is a subsidiary of this company). Mr. Kinkhorst informed Mr. Moore a dust concern is being investigated and dust was observed on the quarry property but due to the wind direction the dust did not leave the property. Mr. Moore said the haul roads are watered continuously with the water truck only stopping to refill. Mr. Kinkhorst told Mr. Moore if the wind was blowing from a different direction Particulate Matter would possibly leave the quarry property. Mr. Kinkhorst informed Mr. Moore dust is tracked out onto North Stadium Boulevard from the quarry. Mr. Moore said his company also owns a street sweeper, which is used at times to remove the dirt from the road. Mr. Kinkhorst informed Mr. Moore other controls may be needed and suggested a wheel wash for trucks leaving the property. No violation at the time of this investigation. A letter will be written to Mr. Moore requesting a compliance plan to include control equipment schedules and ideas on how to better control emissions from this facility, including dust tracked onto North Stadium Boulevard.								
Comp. No.	NE11141	Comp. Info	An e-mail to the department's Hazardous Waste Program stated dust from the Rock Quarry at 3101 Creasy Springs Road is really bad. Also, the complainant was concerned about the noise from the trucks. The Creasy Springs Road turns white from the dust. There is dust in the complainant's house from the quarry.						
NERO	4/20/2005	4/20/2005	PSF VALLEY VIEW	Green City	Sullivan	Odors	Rolf Christen	SMB	
Comments	No on-site investigation made in response to this report due to the quickly changing variation in odors from changes in weather conditions and because of the one to two day advance notice required by the lab prior to analysis of air samples. An investigation will be scheduled during the next on-site investigation of this facility.								
Comp. No.	NE11236	Comp. Info	On April 20, 2005, at 9:54 a.m., the complainant made the following report of odors from PSF Valleyview, "Walter Hannah called to report strong odors at his house last Thursday, Friday and Saturday evenings."						
NERO	4/20/2005	4/20/2005	SHAHER HOG OPERATION	Green City	Sullivan	Odors	Rolf Christen	SMB	
Comments	An inspector with the Missouri Department of Natural Resources' Northeast Regional Office states the source of the odors is a Class 1C confined animal feeding operation, which is not subject to odor regulations.								
Comp. No.	NE11238	Comp. Info	The complainant reported the following odors from the Shafer Class 1C hog operation, "Debbie Jacobs called this morning to report strong odors at their house last night from 6.00 p.m. until after 9:00 p.m. The odors are probably coming from Shafer's contract operation."						

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Dates Received or Inspected: 4/1/2005 **through** 4/30/2005

Region	Inspection Date	Date Received	Suspected Source Owner/Operator	City	County Name	Type of Complaint	Complainant	Inspector Initials	NOV
NERO	4/20/2005	4/19/2005	DON HANSON	Auxvasse	Callaway	Fugitive Dust	Anonymous	SMB	
Comments	Mary Hopke spoke with Ms. Lisa Brandenburg, the City Clerk of Auxvasse. The City Council had discussions with Mr. Hanson concerning the dust from the grain elevator. They would like to work with Mr. Hanson to get him to adopt practices, like putting soybean oil in soybeans, to reduce dust. On April 28, 2005, Mary conducted an on-site visit to the property. The reported party has been hauling out grain from a flat storage area at the north end of the property. This may be the source of dust emissions from the property. The facility was not operating at the time of visit. Mary did not observe any violations at the time of the investigation.								
Comp. No.	NE11163	Comp. Info	A citizen in the Auxvasse area is concerned about the air quality from problems with Hanson Elevator. Mary Hopke, an inspector with the department's Northeast Regional Office has copy of a newspaper clipping mailed into the NERO with a handwritten notation on the front of the paper.						
NERO	4/20/2005	4/20/2005	QUALITY GENERAL CONSTRUCTI	Trenton	Grundy	Burning	Kevin Flint	MIH	
Comments	An inspector with the Missouri Department of Natural Resources' Northeast Regional Office left a message with Mr. Flint to return my telephone call. The Northeast Regional Office needs to know the location where the construction and activities are taking place so a determination of what region the activities are taking place in can be done. Mr. Flint was asked to speak with the inspector or Mr. Greg Robertson. By April 26, 2005, no response had been received from Mr. Flint. The inspector called Mr. Blake Boxley with PSF today and asked where the new site was being constructed by Quality General. Mr. Boxley contacted the inspector and said the construction was taking place on the Chuck Weldon site and was just South of Gallatin, Missouri, and it was located in Daviess County. The information will be forwarded to the Kansas City Regional Office. The construction is not in the Northeast Regional Office and it was referred to the Kansas City Regional Office on April 26, 2005.								
Comp. No.	NE11156	Comp. Info	The complainant reports a construction company (working for PSF) located 40 miles West of Trenton is asking employees on a daily basis to burn styrofoam and to bury mercury containers, construction trash, batteries and cleaning supplies at the site. Employees who worked for the company over the past two years have developed seizures.						
NERO	4/21/2005	4/20/2005	HERITAGE HOLLOW CONTRACTO	Jefferson City	Cole	Burning	Anonymous	MIH	
Comments	An inspector with the Missouri Department of Natural Resources' Northeast Regional Office found the area where brush and construction waste had been burned on Lot #20 South of new construction. The inspector spoke with four individuals who were on Lot #20, at the time of the investigation, and they stated they were framers and had not been on the property at the time of the fire on April 20, 2005. The four individuals did not know who had set the fire and had no knowledge of the fire. Mr. Shannon Block contacted the Northeast Regional Office later on April 21, 2005, and stated he owned the lot where the new construction was being done by his company but he was not on the property when the fire took place on April 20, 2005, and did not know who had set the fire. Mr. Block said he knew about the open burning restrictions because he had received a Letter of Warning from the department three years ago. Mr. Block told the inspector he did not open burn and all his employees have been told not to burn. Although a small amount of construction had been burned on the property, it is unknown who conducted the open burning. No further action to be taken at this time.								
Comp. No.	NE11153	Comp. Info	The complainant reports construction waste is being burned at the time of the call. The complainant observed the burning at approximately 9:55 a.m. today. It is assumed the waste came from the house being constructed next to the lot where the burning took place. The complainant does not know who is doing the burning, but it is assumed to be the contractor doing the burning. There is brush being burned on top of the construction waste.						

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Dates Received or Inspected: 4/1/2005 **through** 4/30/2005

Region	Inspection Date	Date Received	Suspected Source Owner/Operator	City	County Name	Type of Complaint	Complainant	Inspector Initials	NOV
NERO	4/21/2005	4/7/2005	COLUMBIA RECYCLING CENTER	Columbia	Boone	Other	Chief Cassil	MIH	
Comments	Mr. Ken Hannon with the department's Environmental Emergency Response went to the site and monitored the runoff. Mr. Hannon walked the drainage and did not observe any runoff that would pose a significant environmental impact. On April 21, 2005, an inspector with the Missouri Department of Natural Resources' Northeast Regional Office met with Mr. David McBride, of Columbia Recycling, who explained 100 bales of office paper was set on fire accidentally by an employee who threw down a cigarette. The wind was blowing very hard that day and the fire got away from them quickly. Sixty of the 40 city dumpsters of burn residue has been taken to the Columbia Landfill for disposal. There is probably one dumpster of burn residue left to be removed from the property and Mr. McBride said it would be done this week. The inspector asked Mr. McBride to make sure all the litter scattered around the property is picked up on a daily basis to prevent the litter from leaving the property. No violations of the open burning restrictions or the Missouri Solid Waste Management Laws.								
Comp. No.	NE11097	Comp. Info	On April 5, 2005, at 6:45 p.m., the Columbia Dispatch contacted the department's Environmental Emergency Response Duty Officer regarding a fire at the Columbia Recycling Center located at 3300 Brown Station Road. The Columbia Fire Department reported no hazardous materials involved in the fire and the fire consisted primarily of paper and cardboard products. Fire Chief Cassil was on the scene of the incident and expressed concern with the amount of fire water runoff. There is a lot of charred paper and debris left on the site that will need to be cleaned up. Photos taken by the Environmental Emergency Response are in Mary's Photo directory, in the Download Folder.						
NERO	4/21/2005	4/20/2005	PSF WHITETAIL	Unionville	Putnam	Odors	Melody Torrey	SMB	
Comments	No on-site investigation made in response to this report due to the quickly changing variation in odors from changes in weather conditions and because of the one to two day advance notice required by the lab prior to analysis of air samples. An investigation will be scheduled during the next on-site investigation of this facility.								
Comp. No.	NE11226	Comp. Info	On April 20, 2005, at 10:02 p.m., the complainant filed three reports of odors from PSF Whitetail, "April 19, 2005, I would like to file an odor complaint. As I drove by the site very early that morning the odor overwhelmed me. At the time, the odor from their factory farm was a strong hog barn to a pure hog manure smell and that afternoon when I passed it was just a strong lagoon and gassy odor. On April 20, 2005, as I drove by the site early this morning then again this afternoon I encountered strong gassy and lagoon odors coming off their factory farm and I could still smell the odor several minutes after I passed through it. The odor was in my truck and on my clothes." and, "Fred, Leta, and Melody Torrey would like to file an odor complaint. The odor first moved in around 1:00 p.m. then again that evening as I was trying to enjoy our property by spending some time outside, but as usual the odor drove me back into the house."						
NERO	4/25/2005	4/25/2005	PSF VALLEY VIEW	Green City	Sullivan	Odors	Rolf Christen	SMB	
Comments	No on-site investigation made in response to this report due to the quickly changing variation in odors from changes in weather conditions and because of the one to two day advance notice required by the lab prior to analysis of air samples. An investigation will be scheduled during the next on-site investigation of this facility.								
Comp. No.	NE11237	Comp. Info	On April 22, 2005, at 8:47 a.m., the complainant reported odors from PSF Valleyview as follows, "Mr. Ray Catlett called to report the following odor incidents: Monday, April 18, 2005, all day at his house; and Thursday, April 21, 2005, all day at the Miller Farm." On April 25, 2005, at 8:20 a.m., the following report was filed, "Jerry Jacobs just called. Since 7.30 a.m. this morning he has had terrible odors at his house."						

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Dates Received or Inspected: 4/1/2005 **through** 4/30/2005

Region	Inspection Date	Date Received	Suspected Source Owner/Operator	City	County Name	Type of Complaint	Complainant	Inspector Initials	NOV
NERO	4/25/2005	4/25/2005	PSF GREEN HILLS	Green City	Sullivan	Odors	Rolf Christen	SMB	
Comments No on-site investigation made in response to this report due to the quickly changing variation in odors from changes in weather conditions and because of the one to two day advance notice required by the lab prior to analysis of air samples. An investigation will be scheduled during the next on-site investigation of this facility.									
Comp. No. NE11232 Comp. Info On April 22, 2005, at 10:53 a.m., then again at 5:38 p.m., the complainant reported odors from PSF Green Hills at his house as follows, "Very strong odors here at our house all of a sudden. The winds are from the North, gusting and rain is falling. The odor must be from Green Hills." and "We are having strong odors here again at our house. The winds are from the North from Green Hills. Thanks for filing another complaint, Rolf at Friday 5:40 p.m."									
NERO	4/25/2005	4/25/2005	PSF GREEN HILLS	Green City	Sullivan	Odors	Rolf Christen	SMB	
Comments No on-site investigation made in response to this report due to the quickly changing variation in odors from changes in weather conditions and because of the one to two day advance notice required by the lab prior to analysis of air samples. An investigation will be scheduled during the next on-site investigation of this facility.									
Comp. No. NE11231 Comp. Info On April 22, 2005, at 12:00 p.m., the complainant reported odors from PSF Green Hills as follows, "Mr. Gary Perkins just called and reported an extremely bad odor at his house. He said he hardly ever smelled it so bad. The odor made him gag and he could no longer be outside. Also, he does not know how long he can stand it inside with the odor slowly coming in. The winds are from the North (Green Hills)."									
NERO	4/25/2005	4/25/2005	PSF WHITETAIL	Unionville	Putnam	Odors	Jack Parrish	SMB	
Comments It is assumed the odors were from PSF Whitetail based on the westerly wind direction reported at Kirksville Weather station.									
Comp. No. NE11196 Comp. Info On April 24, 2005, at 9:49 p.m., the complainant reported odors from PSF Whitetail as follows, "We went over to our daughter's house this evening and found really strong odors as we stepped out of the car. We were there for one and one half hours and then it was also bad when we got ready to leave. I don't know whether the odors were from PSF or from Blankenship's confined animal feeding operations." He also reported odors from PSF Whitetail at his house on Monday, April 25, 2005.									
NERO	4/25/2005	4/25/2005	PSF WHITETAIL	Unionville	Putnam	Odors	Melody Torrey	SMB	
Comments No on-site investigation made in response to this report due to the quickly changing variation in odors from changes in weather conditions and because of the one to two day advance notice required by the lab prior to analysis of air samples. An investigation will be scheduled during the next on-site investigation of this facility.									
Comp. No. NE11227 Comp. Info On April 22, 2005, at 8:34 p.m. the following two reports of odors from PSF Whitetail were made, "April 21, 2005, Fred, Leta, and Melody Torrey would like to file an odor complaint. The odor has been a combination of hog barn to a pure hog manure odor. The odor has been with us all day. The odor was horrible this morning, making it difficult to enjoy your own property. The wind has been out of the east. On April 22, 2005, Fred and Melody Torrey would like to file an odor complaint. The odor was still here very early the next morning. At that time, the odor was just a strong hog manure smell with the wind out of the East Northeast."									

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Region	Inspection Date	Date Received	Suspected Source Owner/Operator	City	County Name	Type of Complaint	Complainant	Inspector Initials	NOV
NERO	4/26/2005	4/26/2005	PSF SOMERSET	Powersville	Mercer	Odors	Conrad Eurom	SMB	
Comments An inspector with the Missouri Department of Natural Resources' Northeast Regional Office noted Class 1C confined animal feeding operations facilities are not subject to odor regulation.									
Comp. No.	NE11194	Comp. Info	The complainant reports on Friday, April 22, 2005, and on Saturday, April 23, 2005, and Sunday morning, April 24, 2005, hog odors were present at his house. Some of the odors, the complainant attributed to David Conrad's confined animal feeding operations facility. Other times, the complainant believed the odors came from PSF Somerset. On Saturday, they experienced an odor like dead animals, which the complainant believed came from David Conrad's facility.						
NERO	4/26/2005	4/26/2005	PSF SOMERSET	Powersville	Mercer	Odors	Conrad Eurom	SMB	
Comments No on-site investigation made in response to this report due to the quickly changing variation in odors from changes in weather conditions and because of the one to two day advance notice required by the lab prior to analysis of air samples. An investigation will be scheduled during the next on-site investigation of this facility.									
Comp. No.	NE11195	Comp. Info	The complainant reports on Friday, April 22, 2005, and on Saturday, April 23, 2005, and Sunday morning, April 24, 2005, hog odors were present at his house. Some of the odors, the complainant attributed to David Conrad's confined animal feeding operations facility. Other times, the complainant believed the odors came from PSF Somerset. On Saturday, they experienced an odor like dead animals, which the complainant believed came from David Conrad's facility.						
NERO	4/26/2005	4/22/2005	UNKNOWN	Slater	Saline	Odors	Anonymous	SMB	
Comments An inspector with the Missouri Department of Natural Resources' Northeast Regional Office drove downwind from the main street area of Slater. The winds were blowing from Northwest and the inspector noticed an odor downwind from the railroad tracks. The odors were not strong enough to conduct a scentometer check. The inspector observed piles of grain below the rail cars parked on the side prepared for loading. The inspector contacted Mr. Bill Llewellyn of the Central Missouri Agriservice. The elevator has a stockpile of spoiled grain located on the South side of the railroad tracks, East of the grain storage area and North of the office building. Several truckloads of grain are stockpiled at the location. Mr. Llewellyn said a local hog farmer uses the spoiled grain for feed. Mr. Llewellyn agreed to contact the farmer immediately and ask him to pick up the spoiled grain. The grain was odorous and could have been the source of odors described by the complainant. The inspector indicated the grain becomes a waste if it is allowed to decompose on the elevator property and then it must be disposed of as a solid waste if it has lost its value as feed for hogs. The proper method for disposal of a solid waste (like spoiled) grain is at a permitted landfill. No violation of the odor regulation. No odors detected downwind from the plant at the time of the investigation. The reported party was advised to immediately dispose of the spoiled grain or else recycle it as feed.									
Comp. No.	NE11171	Comp. Info	The complainant reported a strong odor in the town. The locals claim the odor comes from the grainery, but it does not smell like a grainery to the complainant. The complainant describes it as a dead smell or molded water smell. The water also smells bad. The complainant has been sick since moving there seven years ago, and the smell has gotten worse over the past three years. The smell is worse on hot afternoons. The smell starts in the spring as soon as it warms up and continues through the summer and is also apparent at night. The odor is getting into the complaint's home and clothes.						

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Region	Inspection Date	Date Received	Suspected Source Owner/Operator	City	County Name	Type of Complaint	Complainant	Inspector Initials	NOV
NERO	4/27/2005	4/25/2005	PSF PACKING PLANT	Milan	Sullivan	Odors	Jack Parrish	SMB	
Comments	No on-site investigation conducted due the intermittent nature of odors. An inspector with the Missouri Department of Natural Resources' Northeast Regional Office contacted Mr. Mike Keith at the PSF Packing Plant about the report of odors. The packing plant did not report any abnormal operating conditions for the time of the odors.								
Comp. No.	NE11192	Comp. Info	On April 24, 2005, at 9:49 p.m., the complainant reported odors from the PSF Packing Plant as follows, "On Friday, April 22, 2005, when we came through Milan, the odors from the Packing Plant were a rotten mess. You had to hold your nose when you went through." Mr. Parrish spoke with the complainant later and he said the odors were noted at 3:45 p.m. on April 22, 2005. The odors were described as a sweet rotten odor.						
NERO	4/28/2005	4/26/2005	UNKNOWN	Brookfield	Linn	Asbestos	Anonymous	MIH	
Comments	Ms. Mary Hopke, an inspector with the department's Northeast Regional Office spoke with Mr. Dave Nelson of Tri State Construction. Mr. Nelson was removing sections of the concrete and rock foundation with a track hoe. The debris was being loaded into a dump truck. The truck load of clean fill was being taken to a Cunningham property on Highway 11 North of Brookfield and used to construct a turn-around in a driveway. Mr. Nelson told Ms. Hopke the city of Brookfield owned the hotel and their inspector, Mr. Greg Williams, was certified to do asbestos inspections. Asbestos was found and removed in September of 2004, by All State Abatement. A demolition notification was sent into the Air Pollution Control Program and approval was given for the demolition of the structure. The waste from the hotel was taken to Lone Elm Landfill in Olathe, Kansas and Mr. Nelson had the receipts. Mr. Nelson also demolished a home next door to the hotel and the waste was being taken to Onyx in Bevier. Mr. Nelson also had receipts for this. The information obtained from Mr. Nelson was verified with the Air Pollution Control Program. Only clean fill was being removed from the site. No violations of the Missouri Solid Waste Management Law or asbestos/demolition regulations observed during the investigation.								
Comp. No.	NE11181	Comp. Info	The complainant states the old Stanley Hotel located on North Main in Brookfield is being demolished and the contractor hauling the waste away is only gone about 20 minutes before returning. This does not allow sufficient time to haul the waste to the Chillicothe Transfer Station and the complainant is concerned the waste is being improperly disposed of on private property.						
NERO	4/28/2005	4/28/2005	PSF SOMERSET	Powersville	Mercer	Odors	Conrad Eurom	SMB	
Comments	No on-site investigation made in response to this report due to the quickly changing variation in odors from changes in weather conditions and because of the one to two day advance notice required by the lab prior to analysis of air samples. An investigation will be scheduled during the next on-site investigation of this facility.								
Comp. No.	NE11219	Comp. Info	The complainant reports on Tuesday, April 26, 2005, and on Wednesday, April 27, 2005, there was a pig stink from PSF Somerset at his house. It is not present today. Also, hunters on the property South of him were complaining about the odors.						
SERO		4/14/2005	RENEGADE CONSTRUCTION	Farmington	St. Francois	Other	Anonymous		
Comments									
Comp. No.	SE5060	Comp. Info	A building is being torn down with no asbestos checks done.						
SERO		4/13/2005	DOROTHY DECLUE	Richwoods	Washington	Other	Cathy Johnson		
Comments									
Comp. No.	SE5058	Comp. Info	The complainant states the reported party is hauling in truckloads of trash for other people, I believe they are paid to haul it off. They burn what they can and pile up the rest.						

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Dates Received or Inspected: 4/1/2005 through 4/30/2005								
Region	Inspection Date	Date Received	Suspected Source Owner/Operator	City	County Name	Type of Complaint	Complainant	Inspector Initials NOV
SERO		4/18/2005	CITY OF BONNE TERRE	Bonne Terre	St. Francois	Other	Tim House	
Comments								
Comp. No.	SE5074	Comp. Info	The complainant states the lagoon behind the Eagles Lodge is overflowing and running across his property and into Big River. The odor is horrible.					
SERO		4/19/2005	JON RUDOLPH, HIGHWAY 47 MIX	Richwoods	Washington	Other	Mrs. Karen Bequette	
Comments								
Comp. No.	SE5098	Comp. Info	The complainant reports dust from a motorcross track is crossing property boundaries and the racing takes place from Tuesday through Sunday.					
SERO		4/22/2005	UNKNOWN	Farmington	St. Francois	Other	Anonymous	
Comments								
Comp. No.	SE5115	Comp. Info	The complainant reports there is a demolition taking place in Farmington that may not be in compliance with the regulations.					
SERO		4/27/2005	LARRY TACKETT	Marble Hill	Bollinger	Other	Terry Wiseman	
Comments								
Comp. No.	SE5126	Comp. Info	The complainant states the reported party is hauling in tires and burning them. The reported party burned three loads since Thursday, April 21, 2005.					
SERO	4/1/2005	3/23/2005	MISSISSIPPI LIME	Ste. Genevieve	Ste. Genevieve	Fugitive Dust/Particulate	Anonymous	AW
Comments								
An inspector with the Missouri Department of Natural Resources' Southeast Regional Office did not observe the facility blowing particulate matter out of the shoot. There was some dust at the load out area but not what appeared to be intentionally releasing of lime into the ambient air. Observations made on three different occasions. If lime dust is released residue would be released into the river or air. No violation issued. The main facility was contacted by telephone and a message left for the Environmental Manager, Mr. Steven Castleberry. No violations were observed on the dates of the investigation. Future surveillance will be conducted when in the area.								
Comp. No.	SE4941	Comp. Info	Barge loadout at Mississippi Lime is spreading lime dust everywhere. When the wind is out of the North dust is very bad. Every couple of hours or so they stop loading and clear out the shoot by raising it up and blowing the lime out.					
SERO	4/6/2005	4/4/2005	BUSY BEE LAUNDRY & LINEN REN	Rolla	Phelps	Odors/Particulate	Anonymous	WS
Comments								
Based on a visit to facility on January 19, 2005, all dry cleaning equipment and chemicals had been removed from the facility. The facility uses aqueous-soap detergent (no chemical smells). On January 19, 2005, no visible emissions were observed leaving the facility nor was there any lint observed outside the building nor across the street at Sherman Park. The facility manager was contacted by telephone on April 6, 2005, and reminded that all fugitive particulate matter must remain within the premises of origin and periodic surveillance of the area will be conducted when inspectors are in the area.								
Comp. No.	SE4987	Comp. Info	The complainant states on December 24, 2004, the dry cleaners next to Sherman Park has lint and chemicals spewing from their roof vent onto the park grounds. The chemical smells were like paint thinner or sealants. The whole park was peppered with lint.					

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Dates Received or Inspected: 4/1/2005 **through** 4/30/2005

Region	Inspection Date	Date Received	Suspected Source Owner/Operator	City	County Name	Type of Complaint	Complainant	Inspector Initials	NOV
SERO	4/7/2005	3/21/2005	DOE RUN SWEET WATER MINE 1	Sweetwater	Reynolds	Other	Anonymous	AW	
Comments	Since the complainant did not give the name of the laundry or the laundry owner or even the town or city it is not a complaint that can be investigated fully. An inspector with the Missouri Department of Natural Resources' Southeast Regional Office contacted Mr. Dennis Murphy of Doe Run and informed him of the complaint by leaving a message on his answering service. No contact from Mr. Murphy. Mr. Murphy stated a disgruntled employee had brought this up at a meeting. He does not use the uniforms provided for a fee.								
Comp. No.	SE4895	Comp. Info	The complainant states she over heard a worker from the mine asking the owner of a local laundry if he could wash his clothes there because the mine did not furnish washer and dryers. The worker also stated he did not want to wash his clothes at home due to the quantity of lead on his clothing. The complainant is concerned about lead contamination on the floor, in and on the washers. The complainant was told by mine employees the mine was supposed to furnish washers.						
SERO	4/8/2005	4/5/2005	UNKNOWN	Alton	Oregon	Burning	Delbert Deckard	TR	
Comments	No violation observed. The sawmill is a small mill with approximately 3,000 board feet per day and is in operation only three to four days per week. It is located in a rural area and able to open burn untreated sawmill wood wastes under the state open burning regulation 10 CSR 10-3.030 "Open Burning Restrictions." The inspector observed only wood wastes were burning. No further action. Mr. Jimmy Sisco is the owner of the sawmill and can be contacted by telephone at (417) 778-6262. Mr. Jimmy Sisco's son, Mr. Gene Sisco, was on the site working at the sawmill during the investigation.								
Comp. No.	SE5013	Comp. Info	Sawmill burning all the time.						
SERO	4/8/2005	4/6/2005	ATMOST ENERGY (?)	Oxly	Ripley	Other	Barb Thompson	DRL	
Comments	The pipe crossing the creek is leaking in two places and bubbles are surfacing in the mud stream. Staff with the department's Southeast Regional Office contacted the department's Environmental Emergency Response Program to follow up on the corrections needed. Mr. Ron Sheeley contacted the gas company and they were to send someone to fix the problem late on Friday, April 8, 2005. No further action at this time.								
Comp. No.	SE5003	Comp. Info	The complainant noticed a pipe protruding out of the ground in a creek. The water was bubbling because the pipe was covered over by water. The complainant reported this to Atmos Energy because she thinks it is a natural gas line since there were little flags marking the ground leading up to it.						
SERO	4/8/2005	3/30/2005	UNKNOWN	Alton	Oregon	Burning	Anonymous	TR	
Comments	An inspector with the Missouri Department of Natural Resources' Southeast Regional Office observed no violation. The sawmill is a small mill, cutting approximately 3,000 board feet per day and is in operation only three to four days per week. The sawmill is located in a rural area and is able to open burn untreated sawmill wood wastes under the state open burning regulation 10 CSR 10-3.030 "Open Burning Restrictions." The inspector observed only wood wastes were burning. No further action at this time.								
Comp. No.	SE4955	Comp. Info	The sawmill is burning debris. There is smoke everywhere on the highway and the odor is horrible.						
SERO	4/11/2005	3/31/2005	SCRAP YARD	West Plains	Howell	Burning	Anonymous	DRL	
Comments	Mr. Harris states he has a fire sometimes when the cars are cut apart and torched, but the fire only burns for a few minutes as they are trying to put it out. No fire calls were recorded by the West Plains Fire Department for this facility. Future fire observations should be called to the Howell County Sheriff's Department for official observation by an officer. No further action.								
Comp. No.	SE4961	Comp. Info	The complainant states he witnessed the reported party turn over several cars and set them on fire. Tires and other contents are burning.						

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Dates Received or Inspected: 4/1/2005 **through** 4/30/2005

Region	Inspection Date	Date Received	Suspected Source Owner/Operator	City	County Name	Type of Complaint	Complainant	Inspector Initials	NOV
SERO	4/11/2005	3/8/2005	BRIAN FITZPATICK	Malden	Dunklin	Burning	Mr. Bob DeProw	DRL	
Comments	There were a couple of houses torn down and the reported party burned the waste in a pit on the lot at Russell and Ozark Street in Malden. The pit is open and an inspector with the department observed a partially burned material and collected photographs. Refer to the department's Air Pollution Control and Solid Waste Management Programs in the Southeast Regional Office for determination of violations.								
Comp. No.	SE4838	Comp. Info	The open burning of demolition waste from houses torn down in Malden.						
SERO	4/11/2005	4/6/2005	JOE HARRIS, JR., 160 SALVAGE &	West Plains	Howell	Burning	Carol Kerley	DRL	
Comments	Mr. Harris said he has a fire sometimes when the cars are cut apart by a torch, but the fire burns only a few minutes as they are trying to put it out. No fire calls were recorded by the West Plains Fire Department for this facility. Future fire observations should be called to the Howell County Sheriff's Department for official observation by an officer. No further action.								
Comp. No.	SE4996	Comp. Info	This complainant reports the reported party was burning approximately one week ago. There were crushed cars around the burn site. The smoke was coming across the highway and the odor was putrid.						
SERO	4/12/2005	3/9/2005	MR. PULLEN	Wyatt	Mississippi	Open Dumps/Burning	Anonymous	DRL	
Comments	There were several truck loads of demolition waste dumped and burned at this location. No one was at home and the house looked deserted. Photographs were collected. Refer to the department's Solid Waste Management Program in the Southeast Regional Office for determination of violations.								
Comp. No.	SE4843	Comp. Info	The complainant states Mr. Pullen is burning shingles and other trash.						
SERO	4/13/2005	4/7/2005	UNKNOWN	Buckhorn	Madison	Open Dumps	Anonymous	DRL	
Comments	There are several bags of trash and garbage with little other waste dumped at this location. No demolition waste observed. Some furniture was located and has been burned in the dump. No land owner was located as the site is a vacant lot. It appeared no one was home at the houses on either side of the site. Photographs were collected. Refer to the department's Solid Waste Management Program in the SERO for determination of violations.								
Comp. No.	SE5019	Comp. Info	The complainant reports someone is hauling demolition wastes and trash. They are dumping and burning it near the St. Francois River near Roselle.						
SERO	4/14/2005	4/4/2005	JOHNNY MIKE NELSON	Fisk	Butler	Waste Tire Dump	Anonymous	GAG	
Comments	No one home at the time of the investigation conducted by an inspector with the department's SERO. There was a pile of approximately 50 tires at the end of Mr. Nelson's driveway. The inspector observed a burn pile resembling household trash. The inspector did not observe any evidence of burning waste tires. The waste tire fee elapsed and thus caused the loss of staff to perform waste tire activities. No further action at present.								
Comp. No.	SE4982	Comp. Info	The complainant states Mr. Nelson is burning a large quantity of tires. Mr. Nelson is also leaving the trash that is left behind scattered everywhere.						

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Dates Received or Inspected: 4/1/2005 through 4/30/2005									
Region	Inspection Date	Date Received	Suspected Source Owner/Operator	City	County Name	Type of Complaint	Complainant	Inspector Initials	NOV
SERO	4/14/2005	3/30/2005	RON SELLS	Dexter	Stoddard	Fugitive Dust	Mary Lou Taylor	DRL	
Comments	Inspectors with the department's Southeast Regional Office have made several visits to the site and observed no violations. Surveillance of the operation will continue as the weather warms and the soil dries.								
Comp. No.	SE4957	Comp. Info	Mr. Ron Sells is moving dirt and the dust is beginning to blow off his property. The recent rain stopped most of the dust for now, but the problem will return when the ground dries out.						
SERO	4/18/2005	4/18/2005	BRUCE TREE SERVICE	Poplar Bluff	Butler	Burning	Anonymous	DRL	
Comments	No violation observed. No further action necessary.								
Comp. No.	SE5070	Comp. Info	The complainant reports Bruce Tree Service has tree trimmers that are dumping limbs and burning them on the west side of Black River. There are also old vehicles there leaking gas and oil into the river.						
SERO	4/18/2005	4/18/2005	BRUCE TREE SERVICE	Poplar Bluff	Butler	Burning	Anonymous	DRL	
Comments	No violation observed. No further action necessary.								
Comp. No.	SE5069	Comp. Info	The complainant reports Bruce Tree Service has tree trimmers that dumps limbs, brush and debris and then burns it on the east side of the Black River.						
SERO	4/19/2005	4/18/2005	MR. MILES LEWIS	Braggadocio	Pemiscot	Burning	Anonymous	TR	3182S
Comments	It appears the reported party burned demolition wastes for disposing of at least part of the material generated by residential demolition activity. An inspector with the department's SERO issued a Notice of Violation to document this situation. No further action required at this time. Mr. Lewis contacted the department's SERO and spoke with Mr. Rick Pretz on April 21, 2005. Mr. Pretz informed Mr. Lewis he should not bury the burned demolition wastes on site.								
Comp. No.	SE5067	Comp. Info	A house is being burned as part of a demolition and dismantling project. The smoke is bothering the neighbors.						
SERO	4/20/2005	3/16/2005	TRI-STATE LANDSCAPING - LARR	Perryville	Perry	Burning	Ronald Ray	DRL	
Comments	The service has piled a large amount of debris on a gravel lot west of town. There appears to have been some burning in the past. Some demolition waste is co-mingled with the tree limbs and brush. No one was at the site. A voice message was left with the reported party. Mr. Mungles and the Southeast Regional Office staff have called each other several times but no contact was ever made. Refer to Air Pollution Control Program in the Southeast Regional Office for determination of next action.								
Comp. No.	SE4878	Comp. Info	The complainant states Mr. Larry Mungles, the owner of Trip-State Landscaping, charges to dump tree limbs and clippings on his property, which he then proceeds to burn. The neighbors state their homes are full of smoke and at times they cannot see to drive. The complainant also stated he is afraid of a fire hazard due to the pile getting so large. Mr. Mungles burns a lot at night and the flames have been 100 feet high. Mr. Mungles has not burned in a few days and the pile is getting quite large. When the complainant asked Mr. Mungles about the burning Mr. Mungles told the complainant if he wanted to purchase a chipper, Mr. Mungles would use it.						

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Dates Received or Inspected: 4/1/2005 **through** 4/30/2005

Region	Inspection Date	Date Received	Suspected Source Owner/Operator	City	County Name	Type of Complaint	Complainant	Inspector Initials	NOV
SLRO	4/6/2005	3/15/2005	GEORGE BREMMERKAMP	Antonia	Jefferson	Asbestos	Anonymous	PJD	
Comments	No violation issued at the time of the investigation by an inspector with the department's SLRO. Supposedly, the building caught fire on January 2, 2005, and burned down. While on the site, the inspector spoke with Ms. Jane Rebsamen (636-948-2433 extension 2634, Highway M in Imperial, MO 63052), whose mother owns the property next door. Ms. Rebsamen says a wall of the building that burned is falling onto her mother's barn. Ms. Rebsamen said the building was formerly Ozark Dairy, then it became a meat market before Mr. Duke Bremmerkamp at 314-221-2277, operated his heavy equipment repair shop in the building. Ms. Rebsamen said the building was in the process of being sold to Tyler's Market to make way for a gas station or a grocery store. Mr. George Bremmerkamp contacted the inspector on April 14, 2005. Mr. Bremmerkamp said R.K. Construction was to do the demolition work for Tyler's Market within a couple of weeks. The inspector told Mr. Bremmerkamp about his responsibility to do an asbestos survey and demolition notification. The inspector contacted Ms. Susan Tyler with Tyler's Market at telephone number 636-942-4445, at 11:15 a.m. on April 20, 2005. The inspector told Ms. Tyler she is responsible for conducting an asbestos survey and notifying the state prior to the demolition. Ms. Tyler said Mr. Dong Draper is currently holding a note on the building. Ms. Tyler said the building is now posted as condemned per Mr. Gerald Boyer at 636-797-5378, a field inspector for Jefferson County. Ms. Jean Ehler at 636-942-2202 contacted the inspector on April 25, 2005. Ms. Ehler said more of the building is falling onto her mother's barn. Ms. Ehler said it is condemned by the county and there is now a sign posted. Ms. Ehler suggested the inspector contact Mr. Gerald Boyer with Jefferson County Code Enforcement at 636-797-5036 or 5398. The inspector spoke with Mr. Bob Cavington of the Jefferson County Code Enforcement, on April 27, 2005, at 4:00 p.m. The inspector and Mr. Cavington discussed the Leonard's Mobile Home in Hillsboro concerning asbestos issues. The inspector asked Mr. Cavington if they would do the asbestos survey and demolition notification for this commercial structure. Mr. Cavington said they would provide the demolition contractor with all the necessary information to address asbestos issues prior to demolition.								
Comp. No.	SL031904	Comp. Info	The demolition of a commercial building without asbestos notification is located approximately 400 feet North of Route M on Old Lemay Ferry Road in Antonia. The building is in the 6600 block of Old Lemay Ferry Road between 6651 and 6611 Old Lemay Ferry Road. The location of the problem is at 5517 Old Lemay Ferry Road in Antonia.						
SLRO	4/6/2005	3/31/2005	DEE BAX	St. Charles	St. Louis	Asbestos	Jim Callahan	PJD	
Comments	Currently there is no violation of Missouri Air Conservation Commission Regulation 10 CSR 10-6.080 "Emission standards for Hazardous Air Pollutants." One house with a garage was said to have been demolished but the second house in the project is still standing. The property is being sold or listed by Dee Bax with Dutchman Realty telephone number (636) 949-0777. The inspector spoke to Mr. Wade Fuchs telephone number 570-0012 on April 12, 2005, at 3:30 p.m., and Mr. Fuchs said the house and garage at 2450 East Pitman has been demolished, and 2446 is to be demolished. The inspector asked him if an asbestos survey and demolition notice had been completed and he replied, "No", so the inspector informed Mr. Fuchs if he demolishes the second house, then he would be in violation. The inspector spoke to Todd, cellular number (314) 420-8021, on April 12, 2005, and possibly on April 13, 2005, to let him know before the second house is demolished he will need to do an asbestos survey and notify the department of the demolition. The inspector told him the remaining house had what appeared to be a transite siding which if containing asbestos would most likely need to be removed and properly disposed prior to demolition.								
Comp. No.	SL031893	Comp. Info	Two houses side by side are being demolished at 2446 Pitman Avenue in St. Charles County between the Lake St. Louis and Highway 2 exits off I-70. The problem is located at 2446 East Pitman Avenue in Wentzville.						
SLRO	4/6/2005	3/31/2005	HAROLD TURNBOUGH	Cedar Hill	Jefferson	Burning	Cedar Hill Fire Protection	KJA	2102S
Comments	Notice of Violation #2102SL issued April 6, 2005, for violation of 10 CSR 10-5.070 "Open Burning Restrictions." See incident report.								
Comp. No.	SL031849	Comp. Info	Cedar Hill Fire Protection Department report indicates the reported party is open burning demolition waste from a mobile home. The location of the problem is at 6491 Craig Drive in Cedar Hill.						

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Dates Received or Inspected: 4/1/2005 **through** 4/30/2005

Region	Inspection Date	Date Received	Suspected Source Owner/Operator	City	County Name	Type of Complaint	Complainant	Inspector Initials	NOV
SLRO	4/7/2005	3/28/2005	CHARLIE CUNNINGHAM	Foley	Lincoln	Burning	Paul Mueller	KJA	2101S
Comments	Per observations made during Mr. Mueller's site investigation the department issued, a Notice of Violation for violation of Missouri regulation 10 CSR 10-3.030 "Open Burning Restrictions" to Mr. Cunningham. No further open burning is allowed. See inspection report.								
Comp. No.	SL031850	Comp. Info	Mr. Paul Mueller, of the department's St. Louis Regional Office investigated a complaint of un-permitted solid waste disposal and tire burning at the reported party's property on March 28, 2005. The Solid Waste Management Program regulations address the issue of un-permitted solid waste disposal. The Air Pollution Control Program regulations address the issue of the burning of tires. The location of the problem is at Old Auburn Road.						
SLRO	4/14/2005	4/8/2005	THE DOE RUN COMPANY	Herculaneum	Jefferson	Odors	Charles Gill	PJD	
Comments	No odors were detected during the surveillance conducted from 10:45 a.m. to 11:55 a.m. with Herculaneum Police Officer Reese. It was sunny with the winds to the South. Herculaneum resident Mr. Tim Meyers has been tasked with acquiring signatures for an odor petition to satisfy the requirement in 10 CSR 10-5-160 "Control of Odors in the Ambient Air." The inspector spoke to Mr. Jim Lanzafame at 11:35 a.m. on April 12, 2005, who said the SO2 reading at the City Hall and the High School were at 0.01 PPM on the day the complainant called the department. Mr. Lanzafame suggested the odors inside Mr. Gill's house could be coming from his sewer drain. Mr. Lanzafame could offer no other explanation for the odors. The inspector spoke to Mr. Gill on Tuesday, April 12, 2005, for approximately 15-20 minutes. Mr. Gill was unable to provide any additional details concerning the odors.								
Comp. No.	SL031902	Comp. Info	A strange odor is coming from the Doe Run Company. The complainant could not identify a similar odor and stated whenever he smelled it there was an accompanying metallic taste in his mouth. This occurrence has been noted only within the last month or so and seems to be getting worse.						
SLRO	4/19/2005	3/31/2005	UNKNOWN RESIDENT	Wright City	Warren	Burning	Anonymous	KJA	
Comments	A warning letter with a copy of the "Facts on Open Burning Under Missouri Regulations" was sent to the reported party. No further action necessary at this time.								
Comp. No.	SL031875	Comp. Info	The complainant alleges the reported party is disposing of waste tires by burning them.						
SLRO	4/19/2005	4/7/2005	BODINE ALUMINUM	Troy	Lincoln	Other/Odors	Ms. Pat	PJD	
Comments	An inspector with the Missouri Department of Natural Resources' St. Louis Regional Office will conduct a surveillance when in the area. The annual air compliance inspection of Bodine will hopefully occur in May, at which time the inspector will notify the facility representative concerning the two odor complaints.								
Comp. No.	SL031890	Comp. Info	Strong odor from Bodine Aluminum.						
SLRO	4/19/2005	4/14/2005	BODINE ALUMINUM	Troy	Lincoln	Odors	Anonymous	PJD	
Comments	An inspector with the Missouri Department of Natural Resources' St. Louis Regional Office will conduct an additional surveillance when in the area. The annual air compliance inspection of Bodine will hopefully occur in May, at which time the facility representatives will be notified about the two recent odor complaints so they may monitor the situation.								
Comp. No.	SL031889	Comp. Info	Received another complaint this afternoon about odors from Bodine and MOST. The location of the problem is in Troy, MO.						

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SLRO	4/20/2005	4/6/2005	HI-TECH BUILDING MAINTENANCE	DeSoto	Jefferson	Burning	Desoto Rural FPD	KJA	
Comments	A warning letter was sent to the reported party on April 22, 2005, and a copy was sent to the fire protection department. The fire protection department will notify the department's St. Louis Regional Office if the reported party burns again. At that time, the warning letter may be upgraded to a Notice of Violation with enforcement referral. No further action necessary at this time.								
Comp. No.	SL031895	Comp. Info	The local fire protection department responded to a fire at the reported facility on March 3, 2005. Miscellaneous wastes were being burned. Fire response was the third response made by fire protection department for similar open burning.						
SLRO	4/20/2005	3/30/2005	N. B. WEST CONTRACTING	Pacific	Franklin	Particulate/Other/Odors	Pat Andrae	RSH	
Comments	An inspector with the Missouri Department of Natural Resources' St. Louis Regional Office wants to continue to monitor this facility whenever in the area.								
Comp. No.	SL031884	Comp. Info	There is thick smoke and strong odors from N. B. West Asphalt Plant in Pacific, Missouri. The location of the problem is at Thornton Road, in Pacific, Missouri.						
SLRO	4/21/2005	4/14/2005	AMERENUE-LABADIE PLANT	Labadie	Franklin	Fugitive Dust/Particulate	Anonymous	PJD	
Comments	No violations of the Missouri Air Conservation Commission regulations were observed during the surveillance conducted from 2:05 p.m. until 2:25 p.m. No fugitive emissions were observed in violation of 10 CSR 10-6.170 and no opacity or visible emissions were observed in violation of opacity regulation 10 CSR 10-6.220.								
Comp. No.	SL031901	Comp. Info	The complainant, possibly an AmerenUE employee, contacted the department concerning the blowing of an ash line at the Labadie Plant. The ash line is possibly clogged.						
SLRO	4/21/2005	4/19/2005	I-44 TRUCK CENTER	St. Clair	Franklin	Burning	Jim Brown	KJA	
Comments	An inspector with the Missouri Department of Natural Resources' St. Louis Regional Office was unable to find evidence to validate the complainant allegation of onsite open burning of waste tires. No further action necessary at this time.								
Comp. No.	SL031894	Comp. Info	The complainant worked for the facility until recently. During his employment the facility owner was charging a \$15 disposal fee for tires. The tires are burned at night behind the facility rather than using a proper disposal location. The burn site is shielded by truck trailers to prevent observation by passersby. The burn site is behind the building on the right side behind the trailers. A large pile of tire chords and burn residue is visible at this disposal station.						
SLRO	4/22/2005	4/4/2005	CLEMON SCHOLLMEYER	Cedar Hill	Jefferson	Burning/Open Dumps	Anonymous	KJA	
Comments	The solid waste issue is being handled by Jefferson County. An open burning warning letter is being sent to the reported party. County officials will check into the open burning issue during a follow-up site investigation. A copy of the warning letter was sent to the county. No further action necessary.								
Comp. No.	SL031897	Comp. Info	The complainant reported the reported party allegedly had been burning solid waste and tires. The reported party alleged by the complainant to be disposing of trash type items on the property. The complainant indicated the reported party had been cited by Jefferson County Solid Waste for violations. Dates of the violations are unknown.						

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Dates Received or Inspected: 4/1/2005 **through** 4/30/2005

Region	Inspection Date	Date Received	Suspected Source Owner/Operator	City	County Name	Type of Complaint	Complainant	Inspector Initials	NOV
SLRO	4/22/2005	4/4/2005	CLEMON SCHOLLMEYER	Cedar Hill	Jefferson	Burning/Open Dumps	Anonymous	KJA	
Comments	The solid waste issue is being handled by the St. Louis County Department of Health. A warning letter is being sent to the reported party. County officials will check into open burning issue during follow-up site investigation. A copy of the warning letter was sent to the county. No further action necessary.								
Comp. No.	SL031896	Comp. Info	The complainant states the reported party had been burning solid waste and tires. The reported party allegedly is disposing of trash type items on the property. The complainant indicated the reported party had been cited by the County Solid Waste Program for violations. The dates of the violations are unknown.						
SLRO	4/26/2005	4/25/2005	HABITAT FOR HUMANITY	St. Louis	St. Charles	Asbestos/Other	Tim Perkins	KJA	
Comments	It does not appear any department action is needed at this time. Mr. Benish, a representative of Habitat for Humanity, indicated he would be willing to address any issue the complainant may have on the project.								
Comp. No.	SL031899	Comp. Info	The complainant alleges a derelict house owned by the Habit for Humanity was demolished and buried onsite. A fuel oil tank allegedly was buried with the debris. The complainant alleges the siding contains asbestos. The location of the problem is at 2021 North 3rd Street in St. Charles, Missouri.						
SLRO	4/26/2005	4/25/2005	HABITAT FOR HUMANITY	St. Louis	St. Charles	Asbestos/Other	Tim Perkins	KJA	
Comments	It does not appear any department action is needed at this time. Mr. Benish, a representative for Habitat for Humanity, indicated he would be willing to address any issue the complainant may have on the project.								
Comp. No.	SL031900	Comp. Info	The complainant alleges a derelict house owned by the Habit for Humanity was demolished and buried onsite. A fuel oil tank allegedly was buried with the debris. The complainant alleges the siding contains asbestos and is located at 2021 North 3rd Street in St. Charles, Missouri.						
SLRO	4/26/2005	4/26/2005	FRED WEBER ASPHALT PLANT	St. Louis	St. Louis	Odors	Joe Guelbert	DTB	2367S
Comments	An inspector with the Missouri Department of Natural Resources' St. Louis Regional Office issued Notice of Excessive Emissions on April 27, 2005, for violation of odor regulations.								
Comp. No.	SL031914	Comp. Info	The complainant reports objectionable odors. The department received the complaint at approximately 8:15 a.m.						
SWRO		4/7/2005	UNKNOWN-HIDDEN MEADOW SUB	Branson	Taney	Burning	Anonymous		
Comments									
Comp. No.	SW6521	Comp. Info	Several (three or four) contractors are burning construction waste including siding, roofing, wood, etc.						
SWRO		4/5/2005	UNKNOWN	Rogersville	Webster	Burning	Anonymous		
Comments									
Comp. No.	SW6494	Comp. Info	The complainant states a demolished house has been burned.						

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Dates Received or Inspected: 4/1/2005 through 4/30/2005								
Region	Inspection Date	Date Received	Suspected Source Owner/Operator	City	County Name	Type of Complaint	Complainant	Inspector Initials NOV
SWRO		4/5/2005	MIKE SULLIVAN/SULLIVAN CONST.	Olean	Miller	Burning	Sara Buyak	
Comments								
Comp. No.	SW6496	Comp. Info	Construction waste from another site is being hauled in and dumped and burned.					
SWRO		4/5/2005	UNKNOWN	Stockton	Cedar	Burning	Sherrell Dean Duff	
Comments								
Comp. No.	SW6499	Comp. Info	The reported party is burning brush next to a nursing home. This week they have been burning daily starting around 3:00 p.m. and burning late into evening. The complainant and other residents are unable to go outside because of the heavy smoke and they have existing breathing problems. The complainant can be reached at the number below, which is the main number at the nursing home, and can then be called to the telephone.					
SWRO		4/5/2005	TYSON FEEDMILL	Aurora	Lawrence	Fugitive Dust/Particulate	Barbara McKinnley	
Comments								
Comp. No.	SW6500	Comp. Info	Excessive dust blowing on to the complainant's property from a neighboring feedmill.					
SWRO		4/29/2005	UNKNOWN	Carthage	Jasper	Odors	Dee Elgenmann	
Comments								
Comp. No.	SW6646	Comp. Info	The complainant reports horrible odors all over Carthage, Missouri. The complainant contacted the plant and they advised the complainant the odors were not coming from their facility. They said it was coming from somewhere else.					
SWRO		4/29/2005	RENEWABLE ENVIRONMENTAL S	Carthage	Jasper	Odors	Anonymous	
Comments								
Comp. No.	SW6645	Comp. Info	The complainant reports offensive odors coming from the plant.					
SWRO		4/28/2005	RES	Carthage	Jasper	Odors	Charles	
Comments								
Comp. No.	SW6634	Comp. Info	The complainant reports bad odors from RES, and they get worse every 20 minutes or so.					

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Dates Received or Inspected: 4/1/2005 through 4/30/2005								
Region	Inspection Date	Date Received	Suspected Source Owner/Operator	City	County Name	Type of Complaint	Complainant	Inspector Initials NOV
SWRO		4/29/2005	RENEWABLE ENVIRONMENTAL S	Carthage	Jasper	Odors	Anonymous	
Comments								
Comp. No.	SW6644	Comp. Info	The complainant reports terrible odors are filling up the halls of the Carthage High School.					
SWRO		4/28/2005	RES	Carthage	Jasper	Odors	Anonymous	
Comments								
Comp. No.	SW6635	Comp. Info	The complainanat reports bad odors from the RES plant.					
SWRO		4/29/2005	CARTHAGE INDUSTRIAL BOTTOM	Carthage	Jasper	Odors	Anonymous	
Comments								
Comp. No.	SW6643	Comp. Info	The complainant reports strong odors.					
SWRO		4/29/2005	RENEWABLE ENVIRONMENTAL S	Carthage	Jasper	Odors	Patricia Orr	
Comments								
Comp. No.	SW6642	Comp. Info	The complainant reports offensive odors coming from the plant.					
SWRO		4/15/2005	CARTHAGE INDUSTRIAL BOTTOM	Carthage	Jasper	Odors	Kay Abbiatti, G & G Const.	
Comments								
Comp. No.	SW6572	Comp. Info	The odors were very strong between the second and third bridge on North I-71 at approximately 8:44 a.m.					
SWRO		4/12/2005	BILL LINEN	Rocky Mount	Morgan	Burning	Ron Ellis	
Comments								
Comp. No.	SW6532	Comp. Info	A contractor is burning brush piles without a permit. The complainant states fires were set last week. The contractor left and the neighbors contacted the fire department later. More large brush piles are ready to burn. The complainant also questioned whether the site had a permit for sewage treatment and was told the permit was under review. He also stated AmerenUE had stopped a contractor (Mr. Liner) from dredging in the lake currently. The landowner is Mr. Steve Schneider.					

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Dates Received or Inspected: 4/1/2005 through 4/30/2005								
Region	Inspection Date	Date Received	Suspected Source Owner/Operator	City	County Name	Type of Complaint	Complainant	Inspector Initials NOV
SWRO		4/29/2005	RENEWABLE ENVIRONMENTAL S	Carthage	Jasper	Odors	Eric Ferrell	
Comments								
Comp. No.	SW6636	Comp. Info	The complainant reports rotten meat, nasty suffocating odor coming from this business.					
SWRO		4/13/2005	RES	Carthage	Jasper	Odors	Nancy Dymott	
Comments								
Comp. No.	SW6551	Comp. Info	Strong odor at the High School.					
SWRO		4/29/2005	RENEWABLE ENVIRONMENTAL S	Carthage	Jasper	Odors	Anonymous	
Comments								
Comp. No.	SW6638	Comp. Info	The complainant reports offensive odors.					
SWRO		4/29/2005	RENEWABLE ENVIRONMENTAL S	Carthage	Jasper	Odors	Steve Mangen	
Comments								
Comp. No.	SW6639	Comp. Info	The complainant reports offensive odors.					
SWRO		4/11/2005	DAVID JACKSON	Stover	Morgan	Burning/Open Dumps	Stover Police Department	
Comments								
Comp. No.	SW6535	Comp. Info	Burning tires, couches, fire extinguishers, and other miscellaneous items.					
SWRO		4/29/2005	RENEWABLE ENVIRONMENTAL S	Carthage	Jasper	Odors	Anonymous	
Comments								
Comp. No.	SW6641	Comp. Info	The complainant reports offensive odors.					
SWRO		4/28/2005	RES	Carthage	Jasper	Odors	Candy	
Comments								
Comp. No.	SW6632	Comp. Info	The complainant reports bad odors from RES.					

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Dates Received or Inspected: 4/1/2005 through 4/30/2005								
Region	Inspection Date	Date Received	Suspected Source Owner/Operator	City	County Name	Type of Complaint	Complainant	Inspector Initials NOV
SWRO		4/7/2005	UNKNOWN	Lebanon	Laclede	Burning	Anonymous	
Comments								
Comp. No.	SW6519	Comp. Info	The reported party, with a Kansas license plate (PGK 017) is burning an abandoned building. Black smoke is inundating the surrounding residences.					
SWRO		4/15/2005	RES IN CONJUNCTION WITH CON	Carthage	Jasper	Odors	Debbie Orahood	
Comments								
Comp. No.	SW6570	Comp. Info	The department received the complaint via e-mail concerning an odor and there was no date, time, or wind direction given.					
SWRO		4/29/2005	RENEWABLE ENVIRONMENTAL S	Carthage	Jasper	Odors	Patricia Burgi	
Comments								
Comp. No.	SW6654	Comp. Info	The complainant reports offensive odors.					
SWRO		4/29/2005	LESTER YODER	Nixa	Christian	Burning	Anonymous	
Comments								
Comp. No.	SW6651	Comp. Info	The complainant reports the open burning of leaves and grass clippings by a lawn service. The burning is being done on the north side of Crane Street near Katrina Street.					
SWRO		4/18/2005	SHOW-UP INSTALLERS	Linn Creek	Camden	Particulate/Fugitive Dust	Lena Herrera	
Comments								
Comp. No.	SW6582	Comp. Info	A contractor is sanding paint from a house and the dust and chips are getting into the neighbor's yards. The complainant tested the paint for lead and it tested positive. The house was built in the 1930's and the day care was not aware of situation according to the complainant. Lisa, of the department of Health and Senior Services Lead Department, referred this complaint they only handle if there is lead abatement. She was transferred several times in our agency and they tried to send her back to her own department. Lisa is notifying the U.S. Environmental Protection Agency also, due to the regulations requiring pamphlet distribution. The City Inspector, Dennis (telephone 346-3600), came out and told the contractor to cease for now but chips are still blowing around. When the wind blows, more chips come into the yard and on to the house.					
SWRO		4/29/2005	RENEWABLE ENVIRONMENTAL S	Carthage	Jasper	Odors	Anonymous	
Comments								
Comp. No.	SW6655	Comp. Info	The complainant reports offensive odors coming from the plant.					

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Dates Received or Inspected: 4/1/2005 through 4/30/2005								
Region	Inspection Date	Date Received	Suspected Source Owner/Operator	City	County Name	Type of Complaint	Complainant	Inspector Initials NOV
SWRO		4/20/2005	CHARLES CROWE, DBA MORGAN	Versailles	Morgan	Open Dumps/Burning	Anonymous	
Comments								
Comp. No.	SW6592	Comp. Info	The complainant reports Morgan County Disposal is dumping and burning waste on land owned by Mr. Charles Crowe. The neighbors have been told the waste is being trucked to Sedalia, but there is something being dumped and burned regularly on Mr. Crowe's property. The complainant is not sure what they are hauling, household waste, etc.					
SWRO		4/18/2005	RES/CONAGRA	Carthage	Jasper	Odors	Debbie Orahood	
Comments								
Comp. No.	SW6576	Comp. Info	Odors from plant. See e-mail.					
SWRO		4/20/2005	CAMDEN COUNTY MAIN ROAD SH	Camdenton	Camden	Fugitive Dust	Christine Buttram	
Comments								
Comp. No.	SW6593	Comp. Info	The complainant reports the rock crusher has fugitive dust leaving the property and is entering the neighboring homes and this happens constantly. The County also has a large tire dump and an appliance dump on the property. The complainant wants to know if the county has an air pollution control permit for the rock crusher.					
SWRO		4/29/2005	RENEWABLE ENVIRONMENTAL S	Carthage	Jasper	Odors	Cory	
Comments								
Comp. No.	SW6647	Comp. Info	The complainant reports horrible odors on the town square coming from RES.					
SWRO		4/22/2005	RES	Carthage	Jasper	Odors	Dan Comer	
Comments								
Comp. No.	SW6609	Comp. Info	The complainant reports a bad odor.					
SWRO		4/1/2005	RES	Carthage	Jasper	Odors	Jerri Rice	
Comments								
Comp. No.	SW6485	Comp. Info	Severe odors Friday morning.					

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Dates Received or Inspected: 4/1/2005 through 4/30/2005								
Region	Inspection Date	Date Received	Suspected Source Owner/Operator	City	County Name	Type of Complaint	Complainant	Inspector Initials NOV
SWRO		4/1/2005	RES	Carthage	Jasper	Odors	Donna Wood	
Comments								
Comp. No.	SW6469	Comp. Info	The complainant reports an odor resembling incinerated animal carcass.					
SWRO		4/28/2005	RES	Carthage	Jasper	Odors	Anonymous	
Comments								
Comp. No.	SW6633	Comp. Info	The complainant reports bad odor from RES.					
SWRO		4/28/2005	RES	Carthage	Jasper	Odors	Charles Royer	
Comments								
Comp. No.	SW6631	Comp. Info	The complainant reports odors from RES at Walnut Street vicinity.					
SWRO		4/26/2005	METCALF	Marionville	Lawrence	Burning/Odors/Toxics	Rick Hopkins	
Comments								
Comp. No.	SW6622	Comp. Info	The complainant reports the property owner is bringing in construction debris on trailers and burning it. Also putting up a new building on site, but debris being burned is being hauled in on trailers. The Marionville Fire Department was called to put the fire out on the evening of April 22, or 23, 2005, and they may have a report. The burning generally occurs on Friday evenings after dark.					
SWRO		4/26/2005	CARTHAGE INDUSTRIAL BOTTOM	Carthage	Jasper	Odors	Jan Curtis	
Comments								
Comp. No.	SW6624	Comp. Info	The complainant reports strong odors are making eyes burn and water.					
SWRO		4/1/2005	MAYOR DIANE MEYERS	Walnut Grove	Greene	Burning	Anonymous	
Comments								
Comp. No.	SW6477	Comp. Info	The complainant reports the burning of debris (carpet, wood shingles, asbestos siding, etc) from the demolition of a house.					

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Dates Received or Inspected: 4/1/2005 through 4/30/2005								
Region	Inspection Date	Date Received	Suspected Source Owner/Operator	City	County Name	Type of Complaint	Complainant	Inspector Initials NOV
SWRO		4/1/2005	CHERYL WEATHERMAN	Spokane	Christian	Waste Tire Dump/Burning	Kevin Stephens	
Comments								
Comp. No.	SW6478	Comp. Info	Six to eight waste tires used to burn a brush pile.					
SWRO		4/6/2005	UNKNOWN	Lebanon	Laclede	Burning	Anonymous	
Comments								
Comp. No.	SW6507	Comp. Info	Burning an abandoned building. See attached.					
SWRO		4/28/2005	CARTHAGE BOTTOMS	Carthage	Jasper	Odors	Anonymous	
Comments								
Comp. No.	SW6628	Comp. Info	The complainant reports odor. The description sounds like RES.					
SWRO		4/19/2005	RES	Carthage	Jasper	Odors	Tricia Orr	
Comments								
Comp. No.	SW6583	Comp. Info	The complainant reports a foul odor.					
SWRO		4/28/2005	CARTHAGE INDUSTRIAL BOTTOM	Carthage	Jasper	Odors	Ron Peterson	
Comments								
Comp. No.	SW6630	Comp. Info	The complainant reports odors are very bad and close to the second or third worse day ever.					
SWRO		4/4/2005	P J'S BOBCAT AND LANDSCAPING	Osage Beach	Camden	Burning	Clint George	
Comments								
Comp. No.	SW6487	Comp. Info	The reported party was burning trade waste last week and the fire marshall was there. The reported party started burning again Monday morning.					
SWRO		4/4/2005	UNKNOWN	Springfield	Greene	Burning	Anonymous	
Comments								
Comp. No.	SW6489	Comp. Info	The open burning is on the corner of Shirley Drive and Libby Drive.					

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Region	Inspection Date	Date Received	Suspected Source Owner/Operator	City	County Name	Type of Complaint	Complainant	Inspector Initials	NOV
SWRO		4/15/2005	CHERYL WEATHERMAN	Spokane	Christian	Burning/Waste Tire Dump	Kevin Stephens		
Comments									
Comp. No.	SW6571	Comp. Info Reporting the burning of six to eight tires on a brush pile on March 31, 2005, at 7:40 p.m. See Environmental Emergency Response report also. The fire department responded, too. There should be a report to write a Notice of Violation.							
SWRO	4/1/2005	4/1/2005	JR'S WESTERN	Diamond	Jasper	Burning	Anonymous	GRP	
Comments An inspector with the Missouri Department of Natural Resources' Southwest Regional Office observed burning of trade waste and cardboard. The inspector issued a letter of warning.									
Comp. No.	SW6491	Comp. Info The complainant reported the burning of cardboard boxes from business.							
SWRO	4/1/2005	4/1/2005	RES	Carthage	Jasper	Odors	Brenda Raney	GRP	
Comments An inspector with the Missouri Department of Natural Resources' Southwest Regional Office arrived in Carthage at 9:45 a.m. and got to the Junior High School at 10:00 a.m. The inspector detected an odor but did not detect an odor at 7:1 dilution. The inspector detected an odor at the City Park but did not detect an odor at 7:1 dilution. The inspector detected an odor at the intersection of Meridian Street and Mound Street but did not detect an odor at 7:1 dilution. No violation issued. Surveillance will continue.									
Comp. No.	SW6486	Comp. Info The complainant reports severe odors Thursday and Friday.							
SWRO	4/1/2005	4/1/2005	RES	Carthage	Jasper	Odors	Lori Byrd	GRP	
Comments An inspector with the Missouri Department of Natural Resources' Southwest Regional Office arrived in Carthage at 9:45 a.m. and got to the Junior High School at 10:00 a.m. The inspector detected an odor but did not detect an odor at 7:1 dilution. The inspector detected an odor at the City Park but did not detect an odor at 7:1 dilution. The inspector detected an odor at the intersection of Meridian Street and Mound Street but did not detect an odor at 7:1 dilution. No violation issued. Surveillance will continue.									
Comp. No.	SW6480	Comp. Info There are very strong odors at complainant's home. Windows cannot be opened.							
SWRO	4/1/2005	4/1/2005	RES	Carthage	Jasper	Odors	Sara Farmer	GRP	
Comments An inspector with the Missouri Department of Natural Resources' Southwest Regional Office arrived in Carthage at 9:45 a.m. and got to the Junior High School at 10:00 a.m. The inspector detected an odor but did not detect an odor at 7:1 dilution. The inspector detected an odor at the City Park but did not detect an odor at 7:1 dilution. The inspector detected an odor at the intersection of Meridian Street and Mound Street but did not detect an odor at 7:1 dilution. No violation issued. Surveillance will continue.									
Comp. No.	SW6476	Comp. Info The odors are very strong around the Junior High and the square.							

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Region	Inspection Date	Date Received	Suspected Source Owner/Operator	City	County Name	Type of Complaint	Complainant	Inspector Initials	NOV
SWRO	4/1/2005	4/1/2005	RES	Carthage	Jasper	Odors	Ann Curtis	GRP	
Comments	An inspector with the Missouri Department of Natural Resources' Southwest Regional Office arrived in Carthage at 9:45 a.m. and got to the Junior High School at 10:00 a.m. The inspector detected an odor but did not detect an odor at 7:1 dilution. The inspector detected an odor at the City Park but did not detect an odor at 7:1 dilution. The inspector detected an odor at the intersection of Meridian Street and Mound Street but did not detect an odor at 7:1 dilution. No violation issued. Surveillance will continue.								
Comp. No.	SW6475	Comp. Info	The odors are so strong the complainant cannot open the windows. The complainant lives one mile South of the facility.						
SWRO	4/1/2005	4/1/2005	RES	Carthage	Jasper	Odors	Kim Pennington	GRP	
Comments	An inspector with the Missouri Department of Natural Resources' Southwest Regional Office arrived in Carthage at 9:45 a.m. and got to the Junior High School at 10:00 a.m. The inspector detected an odor but did not detect an odor at 7:1 dilution. The inspector detected an odor at the City Park but did not detect an odor at 7:1 dilution. The inspector detected an odor at the intersection of Meridian Street and Mound Street but did not detect an odor at 7:1 dilution. No violation issued. Surveillance will continue.								
Comp. No.	SW6474	Comp. Info	The odors are very strong along the north end of Garrison.						
SWRO	4/1/2005	4/1/2005	RES	Carthage	Jasper	Odors	Joe Rice	GRP	
Comments	An inspector with the Missouri Department of Natural Resources' Southwest Regional Office arrived in Carthage at 9:45 a.m. and got to the Junior High School at 10:00 a.m. The inspector detected an odor but did not detect an odor at 7:1 dilution. The inspector detected an odor at the City Park but did not detect an odor at 7:1 dilution. The inspector detected an odor at the intersection of Meridian Street and Mound Street but did not detect an odor at 7:1 dilution. No violation issued. Surveillance will continue.								
Comp. No.	SW6467	Comp. Info	The complainant reports odor.						
SWRO	4/1/2005	4/1/2005	CARTHAGE BOTTOMS	Carthage	Jasper	Odors	Anonymous	GRP	
Comments	An inspector with the Missouri Department of Natural Resources' Southwest Regional Office arrived in Carthage at 9:45 a.m. and got to the Junior High School at 10:00 a.m. The inspector detected an odor but did not detect an odor at 7:1 dilution. The inspector detected an odor at the City Park but did not detect an odor at 7:1 dilution. The inspector detected an odor at the intersection of Meridian Street and Mound Street but did not detect an odor at 7:1 dilution. No violation issued. Surveillance will continue.								
Comp. No.	SW6466	Comp. Info	The complainant reports an odor, similar to that of burning feathers and meat						
SWRO	4/1/2005	4/1/2005	RES	Carthage	Jasper	Odors	Dennis Dixon	GRP	
Comments	An inspector with the Missouri Department of Natural Resources' Southwest Regional Office arrived in Carthage at 9:45 a.m. and got to the Junior High School at 10:00 a.m. The inspector detected an odor but did not detect an odor at 7:1 dilution. The inspector detected an odor at the City Park but did not detect an odor at 7:1 dilution. The inspector detected an odor at the intersection of Meridian Street and Mound Street but did not detect an odor at 7:1 dilution. No violation issued. Surveillance will continue.								
Comp. No.	SW6465	Comp. Info	The complainant reports odor.						

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Region	Inspection Date	Date Received	Suspected Source Owner/Operator	City	County Name	Type of Complaint	Complainant	Inspector Initials	NOV
SWRO	4/1/2005	4/1/2005	RES	Carthage	Jasper	Odors	John Northington	GRP	
Comments	An inspector with the Missouri Department of Natural Resources' Southwest Regional Office arrived in Carthage at 9:45 a.m. and got to the Junior High School at 10:00 a.m. The inspector detected an odor but did not detect an odor at 7:1 dilution. The inspector detected an odor at the City Park but did not detect an odor at 7:1 dilution. The inspector detected an odor at the intersection of Meridian Street and Mound Street but did not detect an odor at 7:1 dilution. No violation issued. Surveillance will continue.								
Comp. No.	SW6464	Comp. Info	The complainant reports bad odor from RES.						
SWRO	4/1/2005	4/1/2005	RES	Carthage	Jasper	Odors	Zach Hess	GRP	
Comments	An inspector with the Missouri Department of Natural Resources' Southwest Regional Office arrived in Carthage at 9:45 a.m. and got to the Junior High School at 10:00 a.m. The inspector detected an odor but did not detect an odor at 7:1 dilution. The inspector detected an odor at the City Park but did not detect an odor at 7:1 dilution. The inspector detected an odor at the intersection of Meridian Street and Mound Street but did not detect an odor at 7:1 dilution. No violation issued. Surveillance will continue.								
Comp. No.	SW6463	Comp. Info	The complainant reports dead animal smell.						
SWRO	4/1/2005	4/1/2005	RES	Carthage	Jasper	Odors	John & Regina O'Haro	GRP	
Comments	An inspector with the Missouri Department of Natural Resources' Southwest Regional Office arrived in Carthage at 9:45 a.m. and got to the Junior High School at 10:00 a.m. The inspector detected an odor but did not detect an odor at 7:1 dilution. The inspector detected an odor at the City Park but did not detect an odor at 7:1 dilution. The inspector detected an odor at the intersection of Meridian Street and Mound Street but did not detect an odor at 7:1 dilution. No violation issued. Surveillance will continue.								
Comp. No.	SW6462	Comp. Info	The complainant reports odor.						
SWRO	4/1/2005	4/1/2005	RES	Carthage	Jasper	Odors	Andy & Michelle Eby	GRP	
Comments	An inspector with the Missouri Department of Natural Resources' Southwest Regional Office arrived in Carthage at 9:45 a.m. and got to the Junior High School at 10:00 a.m. The inspector detected an odor but did not detect an odor at 7:1 dilution. The inspector detected an odor at the City Park but did not detect an odor at 7:1 dilution. The inspector detected an odor at the intersection of Meridian Street and Mound Street but did not detect an odor at 7:1 dilution. No violation issued. Surveillance will continue.								
Comp. No.	SW6461	Comp. Info	The odor is so bad it makes the complainant's children gag and almost throw up.						
SWRO	4/1/2005	4/1/2005	RES	Carthage	Jasper	Odors	Mary Anne Willis	GRP	
Comments	An inspector with the Missouri Department of Natural Resources' Southwest Regional Office arrived in Carthage at 9:45 a.m. and got to the Junior High School at 10:00 a.m. The inspector detected an odor but did not detect an odor at 7:1 dilution. The inspector detected an odor at the City Park but did not detect an odor at 7:1 dilution. The inspector detected an odor at the intersection of Meridian Street and Mound Street but did not detect an odor at 7:1 dilution. No violation issued. Surveillance will continue.								
Comp. No.	SW6484	Comp. Info	The complainant reports severe odors in the morning.						

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Region	Inspection Date	Date Received	Suspected Source Owner/Operator	City	County Name	Type of Complaint	Complainant	Inspector Initials	NOV
SWRO	4/4/2005	4/4/2005	RES	Carthage	Jasper	Odors	Tricia Orr	GRP	
Comments	An inspector with the Missouri Department of Natural Resources' Southwest Regional Office arrived in the south end of Carthage at 4:05 p.m. North of RES on the levee detected an odor. The inspector did not detect an odor at 7:1 dilution. The inspector detected an odor at the nearby lift station but not at 7:1 dilution. No violation, surveillance will continue.								
Comp. No.	SW6490	Comp. Info	The complainant reports odors really bad over the weekend.						
SWRO	4/6/2005	4/6/2005	CARTHAGE BOTTOM AREA	Carthage	Jasper	Odors	Mr. Don Sherrill	CCD	
Comments	An inspector with the Missouri Department of Natural Resources' Southwest Regional Office detected odors at 7:1 dilution on April 6, 2005, at 10:41 a.m. and 11:15 a.m. The location of the detection was Northwest of RES, North of the Schrieber facility and the wind was out of the Northwest at 4.2 miles per hour.								
Comp. No.	SW6503	Comp. Info	The complainant reports odor from the plant in downtown Carthage.						
SWRO	4/6/2005	4/6/2005	CARTHAGE BOTTOMS	Carthage	Jasper	Odors	Anonymous	CCD	
Comments	An inspector with the Missouri Department of Natural Resources' Southwest Regional Office detected odors at 7:1 dilution on April 6, 2005, at 10:41 a.m. and 11:15 a.m. The location of the detection was Northwest of RES, North of the Schrieber facility and the wind was out of the Northwest at 4.2 miles per hour.								
Comp. No.	SW6505	Comp. Info	The complainant reports odor. Not the burnt smell that has been the problem, but a smell more like a sewer.						
SWRO	4/6/2005	4/6/2005	RES	Carthage	Jasper	Odors	Charles Royer	CCD	
Comments	An inspector with the Missouri Department of Natural Resources' Southwest Regional Office detected odors at 7:1 dilution on April 6, 2005, at 10:41 a.m. and 11:15 a.m. The location of the detection was Northwest of RES, North of the Schrieber facility and the wind was out of the Northwest at 4.2 miles per hour.								
Comp. No.	SW6510	Comp. Info	The complainant reports the odor is very strong and he cannot go outside.						
SWRO	4/6/2005	4/6/2005	RES	Carthage	Jasper	Odors	Kay Abbiatti, G & G Const.	CCD	
Comments	An inspector with the Missouri Department of Natural Resources' Southwest Regional Office detected odors at 7:1 dilution on April 6, 2005, at 10:41 a.m. and 11:15 a.m. The location of the detection was Northwest of RES, North of the Schrieber facility and the wind was out of the Northwest at 4.2 miles per hour.								
Comp. No.	SW6516	Comp. Info	The complainant reports very strong odor that smells like burning meat.						
SWRO	4/6/2005	4/6/2005	RES	Carthage	Jasper	Odors	Rod Peterson	CCD	
Comments	An inspector with the Missouri Department of Natural Resources' Southwest Regional Office detected odors at 7:1 dilution on April 6, 2005, at 10:41 a.m. and 11:15 a.m. The location of the detection was Northwest of RES, North of the Schrieber facility and the wind was out of the Northwest at 4.2 miles per hour.								
Comp. No.	SW6515	Comp. Info	The complainant reports very strong odors, burning flesh smell, not a raw rotting smell.						

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Region	Inspection Date	Date Received	Suspected Source Owner/Operator	City	County Name	Type of Complaint	Complainant	Inspector Initials	NOV
SWRO	4/7/2005	3/10/2005	BILL LONG	Tunas	Dallas	Burning/Open Dumps/Littering	Anonymous	TP2	
Comments	Approximately two pieces of litter appears to have blown off of Mr. Long's property. Apparently a bag of trash was left outside and an animal got into the bag and scattered the household waste. Also, there are a couple of old trucks in the yard and an old travel trailer. The inspector asked Mr. Long to pick up the trash and properly dispose of it. The trash is scattered along the road, which will make locating the origin difficult.								
Comp. No.	SW6324	Comp. Info	The complainant reports the dumping and burning of trash from junk yard. There is lots of trash blowing off site onto the complainant's property.						
SWRO	4/12/2005	4/7/2005	JOE ARD, PROPERTY OWNER	Aurora	Lawrence	Burning	Anonymous	PFV	
Comments	On April 12, 2005, no one was home at the time of the investigation and the inspector could not observe any burn spots. Some salvage material and used tires could be observed. Will return for a follow-up. The inspector issued a letter of warning to Mr. Ard. This site was referred to the Solid Waste enforcement a couple of years ago.								
Comp. No.	SW6520	Comp. Info	The owner is allowing burning of insulation off of cable and wires. There are two burn spots. There are at least a dozen junk cars, the waste oil and antifreeze are being dumped on the ground. There was a repair shop there in the past, but now it is just a junk pile.						
SWRO	4/12/2005	4/11/2005	RAY ATKINSON	Ava	Christian	Burning/Open Dumps	Kerri Davis	PFV	
Comments	An inspector with the Missouri Department of Natural Resources' Southwest Regional Office spoke with Ms. Davis. Ms. Davis said the fire was started Friday evening April 8, 2005. The sheriff and police were contacted and they asked the neighbor, Mr. Atkinson, to put the fire out. Mr. Atkinson told the police he was burning brush and put the fire out. Mr. Atkinson was referred to the Solid Waste Management Program in November of 2002 for solid waste violations since then the property has been mostly cleaned up. Due to the inspector having no observation of solid waste being open burned Mr. Atkinson will be sent an informational letter reminding him of ways to properly handle solid waste.								
Comp. No.	SW6536	Comp. Info	The people who own the property across the street are burning auto parts. The complainant would like to be notified.						
SWRO	4/13/2005	4/13/2005	RES	Carthage	Jasper	Odors	Dan Comer	CCD	
Comments	An inspector with the Missouri Department of Natural Resources' Southwest Regional Office could not detect odors from RES with a scentometer, although a burning odor was very strong just East of Vine and Elm Streets. The inspector was able to get a detection with the scentometer on Schrieber Foods, Inc. at 5:38 p.m. and 6:01 p.m. on Claxton Street on the South entrance of the plant. The wind was from the Northwest at 4.2 miles per hour and the inspector was able to detect the odor from the street, immediately below vents and stacks from the facility. Very little mixing of ambient air had occurred. The wind was blowing down on the inspector at this location, and a strong cheese odor was present.								
Comp. No.	SW6555	Comp. Info	The complainant reports strong odors.						
SWRO	4/13/2005	4/11/2005	JOHNNY JOHNSON	Reeds Spring	Stone	Burning/Open Dumps	Debbie Linsey	JAG	
Comments	Mr. Johnny Johnson, MHP Manager stated a pile of brush, construction and demolition waste including carpeting, treated and untreated lumber, particle board, sheetrock, metals, plastic siding, plastics, etc. was burned on Saturday. It was set fire by two people from the park. A man and woman after they stopped by to ask him if they could. Mr. Johnson told them he had removed everything he was supposed to but did not say whether he actually told them to torch it. Mr. Johnson would not identify the arsonists by name. The Fire Department put the fire out. Mr. Johnson later ordered them to get off the property. Mr. Johnson said he hauled off everything to the TS in one load and the inspector pointed out there was a lot of regulated solid wastes in the burn residue. Mr. Johnson said he had to remove everything before he burned it and that he had to burn it to get rid of it. The inspector issued a Notice of Violation. See also SW6369 and SW6395.								
Comp. No.	SW6534	Comp. Info	The complainant reports the of burning plastic, carpet and other miscellaneous items.						

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Dates Received or Inspected: 4/1/2005 **through** 4/30/2005

Region	Inspection Date	Date Received	Suspected Source Owner/Operator	City	County Name	Type of Complaint	Complainant	Inspector Initials	NOV
SWRO	4/13/2005	4/13/2005	RES	Carthage	Jasper	Odors	Maple Mason	CCD	
Comments	An inspector with the Missouri Department of Natural Resources' Southwest Regional Office could not detect odors from RES with a scentometer, although a burning odor was very strong just East of Vine and Elm Streets. The inspector was able to get a detection with the scentometer on Schrieber Foods, Inc. at 5:38 p.m. and 6:01 p.m. on Claxton Street on the South entrance of the plant. The wind was from the Northwest at 4.2 miles per hour and the inspector was able to detect the odor from the street, immediately below vents and stacks from the facility. Very little mixing of ambient air had occurred. The wind was blowing down on the inspector at this location, and a strong cheese odor was present.								
Comp. No.	SW6552	Comp. Info	The complainant reports odors						
SWRO	4/13/2005	4/13/2005	RES	Carthage	Jasper	Odors	Tim Jeffries	CCD	
Comments	An inspector with the Missouri Department of Natural Resources' Southwest Regional Office could not detect odors from RES with a scentometer, although a burning odor was very strong just East of Vine and Elm Streets. The inspector was able to get a detection with the scentometer on Schrieber Foods, Inc. at 5:38 p.m. and 6:01 p.m. on Claxton Street on the South entrance of the plant. The wind was from the Northwest at 4.2 miles per hour and the inspector was able to detect the odor from the street, immediately below vents and stacks from the facility. Very little mixing of ambient air had occurred. The wind was blowing down on the inspector at this location, and a strong cheese odor was present.								
Comp. No.	SW6554	Comp. Info	The complainant reports extremely nauseating odors. The complainant wrote Carthage was once one of the most beautiful cities with many attractive features and a place to enjoy. For months the stench is absolutely nauseating. It makes your eyes burn and rules out anyone enjoying a family barbecue or other outside event while the problem continues. Today, the very day the suit was filed, the stench is unbearable. Please help us regain this once beautiful town for generations to come.						
SWRO	4/13/2005	4/13/2005	CARTHAGE INDUSTRIAL BOTTOM	Carthage	Jasper	Odors	Sara Farmer	CCD	
Comments	An inspector with the Missouri Department of Natural Resources' Southwest Regional Office could not detect odors from RES with a scentometer, although a burning odor was very strong just East of Vine and Elm Streets. The inspector was able to get a detection with the scentometer on Schrieber Foods, Inc. at 5:38 p.m. and 6:01 p.m. on Claxton Street on the South entrance of the plant. The wind was from the Northwest at 4.2 miles per hour and the inspector was able to detect the odor from the street, immediately below vents and stacks from the facility. Very little mixing of ambient air had occurred. The wind was blowing down on the inspector at this location, and a strong cheese odor was present.								
Comp. No.	SW6562	Comp. Info	The complainant reports very strong odors around the Carthage Junior High making her sick at approximately 3:30 p.m.						
SWRO	4/13/2005	4/13/2005	CARTHAGE INDUSTRIAL BOTTOM	Carthage	Jasper	Odors	Ann Curtis	CCD	
Comments	An inspector with the Missouri Department of Natural Resources' Southwest Regional Office could not detect odors from RES with a scentometer, although a burning odor was very strong just East of Vine and Elm Streets. The inspector was able to get a detection with the scentometer on Schrieber Foods, Inc. at 5:38 p.m. and 6:01 p.m. on Claxton Street on the South entrance of the plant. The wind was from the Northwest at 4.2 miles per hour and the inspector was able to detect the odor from the street, immediately below vents and stacks from the facility. Very little mixing of ambient air had occurred. The wind was blowing down on the inspector at this location, and a strong cheese odor was present.								
Comp. No.	SW6559	Comp. Info	The complainant reports very strong odors at 5:55 p.m. on April 13, 2005.						

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Dates Received or Inspected: 4/1/2005 **through** 4/30/2005

Region	Inspection Date	Date Received	Suspected Source Owner/Operator	City	County Name	Type of Complaint	Complainant	Inspector Initials	NOV
SWRO	4/14/2005	4/14/2005	RES	Carthage	Jasper	Odors	Ruby Pearman	CCD	
Comments	Ms. Camille Dobler, an inspector with the Missouri Department of Natural Resources' Southwest Regional Office, could not detect odors with the scentometer. Ms. Dobler could not smell any odors leaving the RES facility, but could smell strong poultry processing odors on the east side of ConAgra.								
Comp. No.	SW6564	Comp. Info	The complainant reports a strong odor. The odor got bad again last night and seems worse than ever.						
SWRO	4/14/2005	4/14/2005	RENEWABLE ENVIRONMENTAL S	Carthage	Jasper	Odors/Animal Waste	Randy Bandy	CCD	
Comments	Ms. Camille Dobler, an inspector with the Missouri Department of Natural Resources' Southwest Regional Office, could not detect odors with the scentometer. Ms. Dobler could not smell any odors leaving the RES facility, but could smell strong poultry processing odors on the east side of ConAgra.								
Comp. No.	SW6560	Comp. Info	The complainant reports there are strong odors coming from the plant.						
SWRO	4/14/2005	4/14/2005	RES/INDUSTRIAL BOTTOMS	Carthage	Jasper	Odors	Kay Abbiatti, G & G Const.	CCD	
Comments	No odors could be detected with the scentometer throughout the industrial bottoms, or farther out from the area in any direction. Also, could not smell odors leaving RES, but did get a strong poultry processing odor on the east side of Butterball.								
Comp. No.	SW6561	Comp. Info	The odors are so strong the complainant is getting headaches.						
SWRO	4/14/2005	4/13/2005	UNKNOWN COMPANY	Springfield	Greene	Asbestos	Catherine Estep	PFV	
Comments	Mr. Karl Barke with Springfield Air Pollution was notified and referred to this complaint.								
Comp. No.	SW6550	Comp. Info	Asbestos complaint. The company did not handle asbestos properly. There were some clean ups in the late 1990's and early 2000, but according to the complainant, they did not do a good job. Now the company has dumped the asbestos in the north end of the building and it is opened to the air.						
SWRO	4/14/2005	4/14/2005	RES	Carthage	Jasper	Odors	Christie Hodkin	CCD	
Comments	Ms. Camille Dobler, an inspector with the Missouri Department of Natural Resources' Southwest Regional Office, could not detect odors with the scentometer. Ms. Dobler could not smell any odors leaving the RES facility, but could smell strong poultry processing odors on the east side of ConAgra.								
Comp. No.	SW6563	Comp. Info	The odors are very strong from RES when the complainant drove over the bridge near Kellogg Lake on 96 Highway coming into Carthage.						
SWRO	4/14/2005	4/14/2005	CARTHAGE INDUSTRIAL PARK	Carthage	Jasper	Odors	Anonymous	CCD	
Comments	Ms. Camille Dobler, an inspector with the Missouri Department of Natural Resources' Southwest Regional Office, could not detect odors with the scentometer. Ms. Dobler could not smell any odors leaving the RES facility, but could smell strong poultry processing odors on the east side of ConAgra.								
Comp. No.	SW6558	Comp. Info	The complainant reports there are bad odors coming from RES and other industries in that area.						

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Dates Received or Inspected: 4/1/2005 **through** 4/30/2005

Region	Inspection Date	Date Received	Suspected Source Owner/Operator	City	County Name	Type of Complaint	Complainant	Inspector Initials	NOV
SWRO	4/14/2005	3/31/2005	WILBUR PECK	Willard	Greene	Open Dumps/Burning	Janie White	JAG	
Comments	Mostly salvageable appliances and metals. There is a relatively small pile of brush 9 feet diameter x 5 feet on top of which are several small painted boards, approximately 1 foot x 2 feet. The spring is about 70 feet downhill and is not affected by Mr. Peck's activities. Mr. Peck's address is unknown and requires a visit to the Assessor's office to obtain. The inspector will contact Mr. Peck to cease dumping and or burning of regulated solid wastes.								
Comp. No.	SW6457	Comp. Info	Mr. Wilbur Peck lives in Willard and is a retired municipal judge according to the complainant. Mr. Peck is dumping trash near a spring on his property and also burns trash. The trash pile contains air conditioners and is approximately the size of two cars. The complainants are concerned a local spring and Asher Creek are becoming contaminated from the trash dump. The spring in the area is owned by the church. Recently when the trash was burned a horse broke out in hives. You should be able to see the trash pile from the church property.						
SWRO	4/14/2005	4/14/2005	CARTHAGE INDUSTRIAL BOTTOM	Carthage	Jasper	Odors	Kim Pennington	CCD	
Comments	On April 14, 2005, the wind speed and direction was variable. The speed averaged 5.1 miles per hour with gusts up to 9.6 miles per hour coming from the East, Northeast, Southeast. There were wind swirls occurring in the Carthage industrial bottoms. Ms. Camille Dobler, an inspector with the department's Southwest Regional Office, drove Main Street and was able to detect strong poultry products in front of Con Agra. Ms. Dobler drove to the end of Main Street, until directly East of the RES facility and could not detect any odors leaving the facility. There were trucks sitting with product on the lot. Ms. Dobler drove West on Claxton Street and under Highway 571 and drove on several North/South streets West of the bottoms and could not detect any odor with a scentometer. The only smell Ms. Dobler observed was a slight poultry processing odor and faint cheese smell on McGregor Street.								
Comp. No.	SW6573	Comp. Info	The complainant reports the odor is horrible at 8:08 p.m.						
SWRO	4/18/2005	4/18/2005	FEED MILL	Aurora	Lawrence	Fugitive Dust/Particulate	Barbara McKinney	PFV	
Comments	Mr. Paul Vitzthum, an inspector with the department's Southwest Regional Office, did not observe any dust or grain material blowing off any feed and seed mill in Aurora. Mr. Vitzthum drove around the mills from 12:00 p.m. to 12:45 p.m. Mr. Vitzthum observed trucks unloading grain and no violation was seen. Mr. Vitzthum spoke to Ms. McKinney about the fugitive dust and informed her he did not observe any fugitive dust leaving the mill at the time of the investigation. Mr. Vitzthum stated routine surveillance of Aurora will continue when staff are in the area and to please contact the department when she sees fugitive emissions leaving the facility and staff will respond as soon as possible.								
Comp. No.	SW6580	Comp. Info	There is excessive feed dust blowing off the feed mill property on to the complainant's property.						
SWRO	4/22/2005	3/29/2005	WALKER SALVAGE	Pierce City	Lawrence	Burning/Other	Bernard Kuhns	PFV	
Comments	Mr. Walker runs a scrap metal operation and sells his scrap metal to Joplin Commercial Metals in Joplin, Missouri. Mr. Kuhns has been complaining about several different environmental problems caused by Mr. Walker. We have had five inspectors over a period of several years investigate these alleged complaints. To date no violation has been observed. Mr. Kuhns has not provided any new evidence to show potential violations. Mr. Kuhns has been told no violations have been observed in telephone conversations and in letters. The latest telephone conversation with Mr. Kuhns on April 26, 2005, resulted in no new evidence. Mr. Kuhns was informed no further solid waste investigations would take place unless new evidence could be shown. The water pollution permit issues are being handle by the water pollution program.								
Comp. No.	SW6433	Comp. Info	The complainant believes burning is taking place at a salvage yard and the reported party may need a storm water permit for salvage yard operations. The complainant would like to be contacted before going down to the site. He would like to talk with the person from the department. Also see complaint numbers SW5468 and SW4722.						

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Region	Inspection Date	Date Received	Suspected Source Owner/Operator	City	County Name	Type of Complaint	Complainant	Inspector Initials	NOV
SWRO	4/22/2005	4/20/2005	MID-AMERICA DAIRYMAN TREATM	Monett	Barry	Odors	Otis O'Dell	CCD	
Comments There was no odor present from the the reported facility during the time of investigation. There were slight odors from the Monett treatment plant West of Farmers of America.									
Comp. No. SW6594 Comp. Info The complainant reports odor has been very bad lately, especially at night.									
SWRO	4/22/2005	4/18/2005	DAWN (LAST NAME UNKNOWN)	Blue Eye	Stone	Burning	Les Fink	PFV	
Comments Mr. Paul Vitzthum, an inspector with the Missouri Department of Natural Resources' Southwest Regional Office, observed evidence of leaf burning but could see no evidence of PVC pipe or the burned hose. Mr. Vitzthum spoke with the Lakewood Mobile Home Park manager Del, and he said he helped burn the leaves and did not see any PVC hose. Mr. Vitzthum told him to watch wind direction and be considerate of the neighbors. Mr. Vitzthum also explained only leaves, brush and household trash may be burned as long as the burning is not a nuisance or health hazard. Mr. Vitzthum contacted Mr. Fink with the results of the inspection and Mr. Fink said he understood and stated he left the Mobile Home Park because of ongoing problems. No violation observed.									
Comp. No. SW6574 Comp. Info The neighbor is burning PVC plastic pipe and hoses this weekend in leaf piles. The complainant contacted the fire department twice. The complainant said the fire started at 10:00 a.m. Saturday morning and went on through the night. The smoke made him sick.									
SWRO	4/25/2005	4/25/2005	RENEWABLE ENERGY SOLUTION	Carthage	Jasper	Odors	Anonymous	CCD	
Comments The complainant's concern occurred after 3:00 p.m. on Friday, April 22, 2005. On April 22, 2005, the wind was out of the Northwest, as Ms. Camille Dobler, an inspector with the department's Southwest Regional Office, approached the Carthage bottoms area from the West on Central Street around 6:15 p.m. Ms. Dobler turned North on Main Street and then East on Eldorado trying to intercept any odor at the RES facility and could only occasionally pick up a faint raw type odor. Ms. Dobler then drove out to East Highway 96 and turned back to the South. Also, drove streets on both the North and South sides of the square. Ms. Dobler was unable to smell any odors and none registered on the scentometer. Ms. Dobler returned to the area and drove behind Schrieber, then down the RES driveway. Processing at RES began shut down at approximately 5:30 p.m. On April 25, 2005, Ms. Dobler returned to the area. On Saturday and Sunday Ms. Dobler could only pick up a faint odor. On Monday there was a strong processing odor coming from ConAgra. There was an occasional puff of odor coming from RES, but it was weak and not continuous.									
Comp. No. SW6612 Comp. Info The complainant reports odors. Please see email concerning this complaint.									
SWRO	4/25/2005	4/25/2005	RENEWABLE ENERGY SOLUTION	Carthage	Jasper	Odors	Mark Williams	CCD	
Comments The complainant's concern occurred after 3:00 p.m. on Friday, April 22, 2005. On April 22, 2005, the wind was out of the Northwest, as Ms. Camille Dobler, an inspector with the department's Southwest Regional Office, approached the Carthage bottoms area from the West on Central Street around 6:15 p.m. Ms. Dobler turned North on Main Street and then East on Eldorado trying to intercept any odor at the RES facility and could only occasionally pick up a faint raw type odor. Ms. Dobler then drove out to East Highway 96 and turned back to the South. Also, drove streets on both the North and South sides of the square. Ms. Dobler was unable to smell any odors and none registered on the scentometer. Ms. Dobler returned to the area and drove behind Schrieber, then down the RES driveway. Processing at RES began shut down at approximately 5:30 p.m. On April 25, 2005, Ms. Dobler returned to the area. On Saturday and Sunday Ms. Dobler could only pick up a faint odor. On Monday there was a strong processing odor coming from ConAgra. There was an occasional puff of odor coming from RES, but it was weak and not continuous.									
Comp. No. SW6614 Comp. Info The complainant reports odors. The RES employees seem to be getting more confrontational after odor problems are reported to them according to the complainant, who contacted the RES directly on Thursday and Friday nights, April 21, and 22, 2005.									

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Region	Inspection Date	Date Received	Suspected Source Owner/Operator	City	County Name	Type of Complaint	Complainant	Inspector Initials	NOV
SWRO	4/25/2005	4/25/2005	RENEWABLE ENERGY SOLUTION	Carthage	Jasper	Odors	Anonymous	CCD	
Comments	The complainant's concern occurred after 3:00 p.m. on Friday, April 22, 2005. On April 22, 2005, the wind was out of the Northwest, as Ms. Camille Dobler, an inspector with the department's Southwest Regional Office, approached the Carthage bottoms area from the West on Central Street around 6:15 p.m. Ms. Dobler turned North on Main Street and then East on Eldorado trying to intercept any odor at the RES facility and could only occasionally pick up a faint raw type odor. Ms. Dobler then drove out to East Highway 96 and turned back to the South. Also, drove streets on both the North and South sides of the square. Ms. Dobler was unable to smell any odors and none registered on the scentometer. Ms. Dobler returned to the area and drove behind Schrieber, then down the RES driveway. Processing at RES began shut down at approximately 5:30 p.m. On April 25, 2005, Ms. Dobler returned to the area. On Saturday and Sunday Ms. Dobler could only pick up a faint odor. On Monday there was a strong processing odor coming from ConAgra. There was an occasional puff of odor coming from RES, but it was weak and not continuous.								
Comp. No.	SW6613	Comp. Info	The complainant reports odors. Please see email concerning this complaint.						

SETTLEMENT UPDATE

May 19, 2005

AGREEMENT ACHIEVED

Violation	Name	Negotiations Initiated	Paid Amount	Penalty Suspended
Asbestos				
	AFS Grocery Store	02-03-05	\$500	\$1,500
	Angell, Daniel	12-14-04	\$0	\$0
	Bahm Demolition	07-26-04	\$2,500	\$7,500
	Brass Leasing & S Properties LLC	11-03-04	\$1,000	\$0
	Cannon Excavation, Inc.	08-23-04	\$0	\$0
	City of Brookfield	11-05-03	\$1,500	\$4,500
	Dawson, Ron	10-28-04	\$1,000	\$0
	DHP Investment	05-11-04	\$2,000	\$4,000
	Dornin Demolition	02-03-05	\$0	\$2,000
	Eastman, Mark	12-03-04	\$0	\$2,000
	Eber, Dr. Jerry	03-04-04	\$1,000	\$9,000
	Fas-Trip #6 LLC	12-16-04	\$500	\$1,500
	Figler Excavating, Incorporated	12-16-04	\$0	\$0
	Gene Winter	03-14-05	\$0	\$2,000
	Hackman, Jim	06-04-04	\$500	\$1,500
	Highway 36 Enterprises, LLC	12-14-04	\$0	\$0
	J&C Environmental	02-18-04	\$1,500	\$4,500
	J&C Environmental	02-18-04	\$1,500	\$4,500
	John N. Sitton	03-07-05	\$0	\$2,000
	Lampley & Associates	10-27-03	\$1,000	\$3,000
	Millersburg Feed and Trade LLC	12-16-04	\$0	\$0
	Mr. & Mrs. Wilbur Scott, Jr.	03-14-05	\$0	\$2,000
	Roush, Ted	12-06-04	\$500	\$1,500
	T&T Demolition	02-18-04	\$3,000	\$0
	Tesson Ferry Property LLC	02-02-05	\$500	\$1,500
	Tom Rieck	03-07-05	\$0	\$2,000
	Trenton, City of	05-07-03	\$3,000	\$4,000
Asbestos/Open Burning				
	Maryville Public Safety	08-04-04	\$1,000	\$5,000
	Tom Payne, Schloman Trailer Court	03-07-05	\$0	\$4,000
Charcoal Kiln/Construction Permit/Operating Permit				
	Missouri Hardwood Charcoal	04-19-05	\$500	\$1,500
Construction Permit				
	Boone County Millwork	03-30-05	\$0	\$6,000
	Citgo #2222	03-30-05	\$500	\$1,500
	James Cape & Sons Company	12-07-04	\$1,500	\$2,500

AGREEMENT ACHIEVED

Violation	Name	Negotiations Initiated	Paid Amount	Penalty Suspended
Construction Permit				
	James Cape & Sons Company	12-22-04	\$2,500	\$0
	James Cape & Sons Company	04-10-02	\$4,000	\$0
Construction Permit/Operating Permit				
	Solutia, Inc.	08-05-04	\$10,000	\$0
EIQ				
	Cameron Concrete	07-03-02	\$500	\$0
	Carson Funeral Home	07-08-02	\$500	\$0
	Dorothy's Cleaners	01-12-05	\$500	\$1,500
	Dry Clean \$1.69a	01-18-02	\$250	\$0
	Executive Shirt Service	08-25-03	\$1,500	\$0
	J&P Wood Products	06-21-04	\$0	\$0
	Midstates Laundry & Cleaners	07-11-02	\$250	\$0
	U.S. \$1.75 Cleaners	01-02-04	\$1,500	\$0
Opacity				
	Magic Green Corporation	08-05-04	\$0	\$0
Open Burning				
	APAC	12-29-04	\$0	\$2,000
	Bill Snider (Town & Country Motors)	12-28-04	\$1,500	\$0
	Don Fields dba D & R Auto Sales	07-08-04	\$500	\$1,500
	Eakes, Ronnie, Roger, Mary	05-24-04	\$2,000	\$0
	Harland, Gene	04-15-05	\$1,000	\$2,000
	Hopkins, Don & Michael	04-06-05	\$900	\$3,100
	Hutton, David	01-07-05	\$0	\$2,000
	J. H. Berra Construction	10-28-04	\$0	\$0
	Jamie Seaton	12-29-04	\$0	\$0
	John Cavanaugh Construction, LLC	01-21-05	\$500	\$3,500
	John Seitz	07-15-04	\$500	\$3,500
	K & K Pallet (H.K. Putnam Industries, Inc.)	12-10-04	\$10,000	\$0
	Keith Hale	03-21-05	\$500	\$1,500
	Laiben, Gerard	12-10-04	\$2,500	\$3,500
	Lake Annette, City of	08-06-04	\$0	\$2,000
	MFA, Inc.	04-12-04	\$0	\$2,000
	Oscar Penn	09-17-03	\$3,500	\$0
	Pat Duffy	01-12-05	\$0	\$2,000
	Paul Ferrel	06-22-01	\$500	\$1,500
	Pendleton, John	02-01-05	\$500	\$1,500
	Randy McCloud	09-03-04	\$0	\$4,000
	Robert Ellerman	04-11-05	\$500	\$1,500
	Rondal Williamson	12-24-03	\$750	\$2,000

AGREEMENT ACHIEVED

Violation	Name	Negotiations Initiated	Paid Amount	Penalty Suspended
Operating Permit				
	A B Chance	03-11-02	\$4,000	\$4,000
	Beelman River Terminals, Inc.	07-06-04	\$0	\$0
	E.F. Marsh Engineering	10-23-03	\$1,500	\$3,500
	Eagle Ridge Landfill	12-23-04	\$0	\$0
	Federal-Mogul Friction Products	12-20-04	\$2,000	\$3,000
Operating Permit/EIQ				
	Buckhorn Rubber	12-15-04	\$2,000	\$3,000
Stage I				
	Site Store #100	04-22-05	\$0	\$2,000
Stage II				
	7 Eleven #3516	12-14-04	\$2,000	\$0
	AMOCO #0228	12-29-04	\$0	\$2,000
	AMOCO #0255	12-29-04	\$500	\$1,500
	AMOCO #5465 (Lion pet.)	12-15-04	\$0	\$2,000
	Bommarito #2878	01-20-05	\$0	\$2,000
	Conoco #0085 (Crescent Oil)	02-01-05	\$0	\$2,000
	Costco #3540	01-21-05	\$0	\$2,000
	Fisca #3704	03-17-05	\$2,500	\$0
	Gravois Fast Stop #1403	12-01-04	\$0	\$2,000
	Jorden's Citgo	12-16-04	\$0	\$2,000
	Mobil #0183 (Wallis)	10-08-04	\$0	\$6,000
	Mobil #0364 (Wallis)	12-30-04	\$0	\$6,000
	Mobil #1503	12-02-04	\$0	\$6,000
	Mobil #2346 (Wallis)	02-25-05	\$0	\$6,000
	Mobil #2655 (Wallis Oil)	01-21-05	\$0	\$6,000
	Mobil #3502	12-29-04	\$0	\$0
	Motomart #3301 (FKG Oil)	02-25-05	\$1,500	\$0
	Phillip 66 (National Petroleum)	06-16-04	\$1,500	\$0
	Phillips 66 #2487	03-03-05	\$0	\$2,000
	Piasa Pantry #3702	03-14-05	\$0	\$2,000
	Quick Fuel, 13880 St. Charles Rock Rd., St. Louis	03-28-05	\$0	\$2,000
	Shell #0020	09-30-04	\$0	\$2,000
	Shell #0341 (Sam Simms)	11-10-04	\$0	\$2,000
	Shell #2073 (Spirit Energy)	11-12-04	\$2,000	\$0
	Thoele Oil Company	03-14-02	\$2,000	\$4,000
Stage II - Construction				
	7 Eleven #2929	02-02-05	\$2,000	\$0
	Commonwealth Construction	02-25-05	\$500	\$1,500
	Conoco #2090 (Miltenberger)	11-10-04	\$1,000	\$3,000

AGREEMENT ACHIEVED

Violation	Name	Negotiations Initiated	Paid Amount	Penalty Suspended
Stage II - Construction				
	Conoco #2339 (Miltenger)	11-10-04	\$1,000	\$3,000
	Hampton Car Wash	02-25-05	\$0	\$2,000
	Parker Petroleum	02-01-05	\$500	\$1,500
Stage II - Dispense Illegally				
	BP AMOCO #2928	11-03-04	\$2,000	\$2,200
	Motomart #1617	12-01-04	\$500	\$0

NEGOTIATIONS ONGOING

Violation	Name	Negotiations Initiated
Asbestos		
	ABC Demolition	06-04-04
	Ahrens Contracting	02-15-05
	AT Abatement	05-04-05
	Barsto Construction	03-04-05
	Barsto Construction, Inc.	03-23-05
	Building Restoration/Mound City Development	12-15-04
	C & D Heating and Cooling	01-23-04
	Carver, Craig	11-17-04
	Cason, Cheri	07-30-04
	Construction and Abatement Services, Inc	03-04-05
	Enterprise Bank	02-15-05
	First Baptist Church Doniphan	08-04-05
	Gaines Wrecking	02-24-04
	Gateway Demolition	06-08-04
	GMMP	02-09-04
	Hance Excavating	12-14-04
	Hayes Jr., Reverend Lloyd	04-27-04
	Hobby Lobby	05-12-05
	Hoggatt, Travis	03-29-04
	Hoot-N-Anny's Bar Grill	12-03-04
	Kauffman Enterprises, LLC	07-08-04
	KJT Environmental	03-29-05
	LRA	06-16-03
	Millennium Wrecking, Inc.	03-05-04
	MoDOT	07-08-04
	MoDOT	08-21-03
	Morgan Development Company	04-01-04
	Paric Corporation	02-15-05
	Pipkin, Earl	04-21-04
	Prestige Construction	12-16-04
	Sam Salama	04-12-05
	St. Joseph, City of	01-25-05
	St. Louis Public Safety	11-03-03
Asbestos/Open Burning		
	GCR Enterprises	04-05-04
	Gilworth Furniture	07-30-04
Construction Permit		
	All Line Equipment	05-04-05
	Blair Cedar and Novelty Works, Inc.	07-06-04

NEGOTIATIONS ONGOING

Violation	Name	Negotiations Initiated
Construction Permit		
	Courtney Excavating and Construction Inc	08-10-04
	Daimler Chrysler- St. Louis South	04-25-05
	MFA Agri Services-Laddonia	
	Pacific Phillips 66	05-04-05
	Pilot grove COOP Elevator Inc.	12-01-04
	The Environmental Resource	10-18-04
Dry Cleaning		
	Express Valet	01-12-05
	Slaughter's Cleaners	12-28-04
EIQ		
	Buddy's Cleaners	07-07-04
	Indeeco	03-23-05
	Kirkwood Cleaners	01-13-05
MACT		
	Stewart's Quality Cleaners	12-22-04
Open Burning		
	Ace Trash Service	01-11-05
	Acup, Freddy	05-10-04
	Ahart, Ruby	03-14-05
	Burkeybile, Bob	12-21-04
	Crocker, Mark (CCC Properties)	03-15-05
	Cunningham, Charlie	04-26-05
	D&D Construction	04-11-05
	Daniel Gross	05-21-02
	Fields, Gary	12-22-04
	H. David Kruger dba Rural Trash Services	12-27-04
	Helton, Greg	03-14-05
	Helton, Greg	03-14-05
	Hicks, Marion	04-08-05
	John Castle	08-06-04
	Johnson, John	04-20-05
	Kester's House Moving	04-28-04
	Lakeway Tradin' Post	02-10-05
	Mark Russell	04-08-05
	Michael Fisher	05-03-05
	Milsteads 131 Drive-In	03-21-05
	Petty, Allen	09-10-04
	Reando, William and Diane	07-23-04
	Rocky Keirn	08-27-04

NEGOTIATIONS ONGOING

Violation	Name	Negotiations Initiated
Open Burning		
	Ron Sells	10-20-04
	Ronald Lewis Tatum	03-21-05
	Singleton, John	02-06-04
	Sumpter & Son Pallet	04-04-05
	Troy Colley	02-01-05
	Tyke Entertainment dba Shooter's 21	06-19-02
Operating Permit		
	1st Capitol Cleaners	08-27-03
	G3 Boats	03-19-04
	K&R Wood Products Inc	12-28-04
	King Quarry Incorporated	08-25-03
	Precision Marble	07-01-04
Stage I		
	D&J Auto Service, Inc.	05-17-05
	I-55 Motor Plaza	05-17-05
	Indepence Gas & Speedy Mart, Inc.	07-26-04
	Pevely Citgo	05-17-05
	Riverview Gardens Transportation	05-03-05
Stage II		
	BP Amoco #0231	03-22-05
	BP AMOCO #0276	03-09-05
	BP AMOCO #0287	03-09-05
	BP AMOCO #2053	03-09-05
	BP Amoco #2383	01-20-05
	BP Amoco #2586	04-27-05
	BP AMOCO #3409	03-09-05
	BP Amoco #3611	03-14-05
	Fastlane #3242	12-01-04
	Lauber's Mini Mart, Inc.	05-17-05
Vapor Recovery		
	Pinnacle Mobil	12-01-04
	Rosemark #3 Phillips 66	12-02-04

PENDING CASES REFERRED
TO ATTORNEY GENERAL'S OFFICE

Violation	Name	Commission Referral Date
Asbestos		
	Foster's Pelican Point Family Limited Partnership	09-30-04
	Foster, Buford	09-30-04
	Goodwin Bros. Construction	02-10-05
	Hyperatix Contracting, Inc.	08-26-04
	Loni Properties	02-10-05
	Oxendale Construction	03-25-04
	Royal Environmental	04-24-04
Denial of Access		
	Olean Seed Company	03-31-05
EIQ		
	Colonial Cleaners & Commercial Laundry	03-27-03
	Hilty Quarries	05-29-03
EIQ/Operating Permit		
	Dry Clean \$1.69	03-28-02
MACT		
	Scrubby Duds, Kirksville	06-21-01
Open Burning		
	Elmer J. Holden	03-27-03
	Ford, Steve	09-30-04
	Gary Schmidt	12-04-03
	John E. Childs	10-22-04
	Joseph A. Ayres	02-10-05
	Roy Purinton	05-29-03
Operating Permit		
	Black Tie Cleaners	06-24-04
	Dial Cleaners	05-27-04
	G3 Boats	09-30-04
	National Dry Cleaners	03-25-04
Stage II		
	Casey's General Store	12-02-04
	Purschke Oil Company	04-29-04



Missouri Department of Natural Resources

Air and Land Protection Division

Air Pollution Control Program

PERMIT APPLICATIONS RECEIVED

	Construction Permits	Operating Permits	Total
January	41	31	72
February	51	37	88
March	73	28	101
April	52	25	77
May	65	24	89
Total	282	145	427

Department of Natural Resources

Air and Land Protection Division

Permits Management System

Air Pollution Control Program

Company: C.B. Asphalt at 54-19 Junction	Description: Asphalt
Location: T51N:R07W:S26:SE	Permit Type: AP: Sec 4: Relocate to New Site
City: Martinsburg	Status: AP: Section 4 Permit Issued
County: Audrain	Received: 5/5/2005
Project#: AP200505030	
Company: Missouri Ethanol	Description: Ethanol Production
Location: 6158 US Hwy 54	Permit Type: AP: Sec 5 & 6: Deminimis and Minor
City: Laddonia	Status: AP: Technical Review
County: Audrain	Received: 5/2/2005
Project#: AP200505009	
Company: Bailey Quarries - Madry	Description: Rock Crushing - electrosb - BMP
Location: County Hwy WW	Permit Type: AP: IR Sec 5 & 6: Deminimis and Minor
City: Verona	Status: AP: Technical Review
County: Barry	Received: 5/24/2005
Project#: AP200505091	
Company: Campbell Family Farms Inc	Description: 2.5 mmbtu Boiler
Location: 444 Farm Rd 1100	Permit Type: AP: Applicability Determination Request
City: Monett	Status: AP: Receive, Log, Assign
County: Barry	Received: 5/20/2005
Project#: AP200505086	
Company: Epoch Composite Products	Description: Transfer scrap material
Location: 1701 Maple St.	Permit Type: AP: Applicability Determination Request
City: Lamar	Status: AP: No Permit Required
County: Barton	Received: 5/4/2005
Project#: AP200505021	
Company: Adrian Rock, Inc.	Description: Allow colocation of Hilty, BMPs
Location: MO Hwy 18	Permit Type: AP: IR Sec 5 & 6: Deminimis and Minor
City: Adrian	Status: AP: IR Completeness Check
County: Bates	Received: 5/10/2005
Project#: AP200505038	
Company: Hilty Quarries at Adrian Quarry	Description: Rock Crushing-Temporary
Location: MO Hwy 18	Permit Type: AP: Sec 4: Relocate to New Site
City: Adrian	Status: AP: Section 4 Permit Issued
County: Bates	Received: 5/2/2005
Project#: AP200505006	
Company: Oswego Coal Company	Description: Replace equipment
Location: T39N:R33W:S22:SE:SW County Hwy V	Permit Type: AP: Applicability Determination Request
City: Foster	Status: AP: Awaiting Completeness Check
County: Bates	Received: 5/12/2005
Project#: AP200505045	
Company: West Central AGRI Services	Description: Storage Bunkers
Location: T41N:R31W:S01:SE:SW Hwy 71	Permit Type: AP: Corrections & Amendments
City: Adrian	Status: AP: Unit Chief Review
County: Bates	Received: 5/10/2005
Project#: AP200505032	
Company: Parker Funeral Service	Description: Crematory
Location: 22 N 10TH ST	Permit Type: AOP: Basic Operating Permit Renewal
City: Columbia	Status: AP: Initial Clerical Prep
County: Boone	Received: 5/25/2005
Project#: AP200505102	

Company: Prime Tanning Corporation	Description: Exhaust reconfiguration
Location: 205 E FLORENCE RD	Permit Type: AP: Sec 5 & 6: Dminimis and Minor
City: St. Joseph	Status: AP: Technical Review
County: Buchanan	Received: 5/12/2005
Project#: AP200505046	
Company: Riceland Foods, Inc.	Description: Grain drier
Location: County Rd 305	Permit Type: AP: Sec 5 & 6: Dminimis and Minor
City: Poplar Bluff	Status: AP: Technical Review
County: Butler	Received: 5/11/2005
Project#: AP200505037	
Company: A. P. Green Refractories, Inc.	Description: Crusher Replacement
Location: 111 W SAINT EUNICE RD	Permit Type: AP: Applicability Determination Request
City: Millersburg	Status: AP: Awaiting Completeness Check
County: Callaway	Received: 5/20/2005
Project#: AP200505071	
Company: APAC at Mertens-Auxvasse	Description: Asphalt
Location: 2303 Old US Hwy 54 South	Permit Type: AP: Sec 4: Relocate to New Site
City: Auxvasse	Status: AP: Section 4 Permit Issued
County: Callaway	Received: 5/18/2005
Project#: AP200505061	
Company: Jackson Municipal Utilities	Description: Diesel Generators
Location: 225 S HIGH ST	Permit Type: AP: Sec 5 & 6: Dminimis and Minor
City: Jackson	Status: AP: Technical Review
County: Cape Girardeau	Received: 5/18/2005
Project#: AP200505066	
Company: C.B. Asphalt Hwy 71 Job	Description: Asphalt
Location: US Hwy 71	Permit Type: AP: Sec 4: Relocate to New Site
City: Harrisonville	Status: AP: IR Unit Chief Review
County: Cass	Received: 5/31/2005
Project#: AP200505110	
Company: Bailey Quarries, Inc - Stockton Quarry	Description: Rock Crushing - BMP - electrosb
Location: County Hwy K	Permit Type: AP: IR Sec 5 & 6: Dminimis and Minor
City: Stockton	Status: AP: Technical Review
County: Cedar	Received: 5/24/2005
Project#: AP200505093	
Company: Cook Composites & Polymers Co.	Description: Resin and Gel Coat
Location: 919 E 14th Ave	Permit Type: AOP: Part 70 Operating Permit Renewal
City: North Kansas City	Status: AP: Awaiting Technical Review
County: Clay	Received: 5/25/2005
Project#: AP200505099	
Company: Hunt Martin Materials	Description: Add conveyor and stacker
Location: 410 Randolph	Permit Type: AP: IR Applicability Determination Request
City: Randolph	Status: AP: Awaiting Completeness Check
County: Clay	Received: 5/6/2005
Project#: AP200505050	
Company: Farmers Concrete Co	Description: Baghouse Language
Location: 2916 N Shamrock	Permit Type: AP: IR Corrections & Amendments
City: Jefferson City	Status: AP: IR Unit Chief Review
County: Cole	Received: 5/18/2005
Project#: AP200505074	
Company: Pilot Grove Coop Elevator	Description: Add grain bin
Location: 12302 MO Hwy 135 South	Permit Type: AP: Sec 5 & 6: Dminimis and Minor
City: Pilot Grove	Status: AP: Technical Review
County: Cooper	Received: 5/5/2005
Project#: AP200505027	

Company: Crawford Lime and Materials	Description: Amend for colocated Asphalt Portable
Location: 63 Weber Rd	Permit Type: AP: IR Sec 5 & 6: Deminimis and Minor
City: Cuba	Status: AP: IR Completeness Check
County: Crawford	Received: 5/2/2005
Project#: AP200505004	
Company: Paramount Metalizing Co	Description: Flow-coat machine
Location: 1005 N Service Road	Permit Type: AP: Sec 5 & 6: Deminimis and Minor
City: Sullivan	Status: AP: Technical Review
County: Crawford	Received: 5/16/2005
Project#: AP200505073	
Company: Pennington Seed Inc of Greenfield	Description: Sawdust pelleting
Location: 160 Hwy Industrial Park	Permit Type: AP: Applicability Determination Request
City: Greenfield	Status: AP: Awaiting Completeness Check
County: Dade	Received: 5/16/2005
Project#: AP200505069	
Company: Missouri Sand and Gravel	Description: Sand and Gravel
Location: Hwy 6 E	Permit Type: AP: Applicability Determination Request
City: Gallatin	Status: AP: Awaiting Completeness Check
County: Daviess	Received: 5/6/2005
Project#: AP200505034	
Company: Salem Wood Products	Description: Superceding condition
Location: 200 STAVE MILL RD	Permit Type: AP: Corrections & Amendments
City: Salem	Status: AP: Unit Chief Review
County: Dent	Received: 5/13/2005
Project#: AP200505049	
Company: The Meramec Group	Description: Paint booth applicability
Location: 338 Ramsey St	Permit Type: AP: Applicability Determination Request
City: Sullivan	Status: AP: No Permit Required
County: Franklin	Received: 5/3/2005
Project#: AP200505014	
Company: MFA Inc	Description: Grain and Fertilizer General OP
Location: 408 South Birch	Permit Type: AOP: Basic Operating Permit Renewal
City: Albany	Status: AP: Initial Clerical Prep
County: Gentry	Received: 5/13/2005
Project#: AP200505070	
Company: City Utilities of Springfield - Landfill	Description: Landfill gas to energy project
Location: 10200 W Farm Rd 127	Permit Type: AP: Sec 5 & 6: Deminimis and Minor
City: Willard	Status: AP: Technical Review
County: Greene	Received: 5/11/2005
Project#: AP200505039	
Company: Courtney Excavating	Description: Rock Crushing
Location: T28N:R23W:S10:SE:NE	Permit Type: AP: Sec 4: Relocate Approved Site
City: Brookline	Status: AP: Section 4 Permit Issued
County: Greene	Received: 5/5/2005
Project#: AP200505024	
Company: Courtney Excavating	Description: Pugmill
Location: T28N:R23W:S10:SE:NE	Permit Type: AP: Sec 4: Relocate Approved Site
City: Brookline	Status: AP: Section 4 Permit Issued
County: Greene	Received: 5/5/2005
Project#: AP200505025	
Company: Dairy Farmers of America	Description: Milk Products
Location: 800 W Tampa	Permit Type: AOP: Part 70 Operating Permit Renewal
City: Springfield	Status: AP: Receive, Log, Assign
County: Greene	Received: 5/3/2005
Project#: AP200505018	

Company: Kraft Foods Co	Description: Food Products
Location: 2035 E Bennett	Permit Type: AOP: Part 70 Operating Permit Renewal
City: Springfield	Status: AP: Receive, Log, Assign
County: Greene	Received: 5/3/2005
Project#: AP200505019	
Company: MFA	Description: Fertilizer
Location: 1947 E Trafficway	Permit Type: AOP: Basic Operating Permit Renewal
City: Springfield	Status: AP: Receive, Log, Assign
County: Greene	Received: 5/23/2005
Project#: AP200505104	
Company: Exide Technologies	Description: Lead Ignots
Location: 111 Canon Hollow Rd	Permit Type: AOP: Part 70 Operating Permit Renewal
City: Forest City	Status: AP: Awaiting Technical Review
County: Holt	Received: 5/10/2005
Project#: AP200505048	
Company: Golden Triangle Energy	Description: Extension, tank changes
Location: 15053 Hwy 111	Permit Type: AP: Corrections & Amendments
City: Craig	Status: AP: Final Clerical Prep
County: Holt	Received: 5/4/2005
Project#: AP200505020	
Company: Norris Asphalt Paving Co.	Description: Rock Crushing
Location: T61N:R37W:S27:NW:NE	Permit Type: AP: Sec 4: Relocate Approved Site
City: Oregon	Status: AP: Section 4 Permit Issued
County: Holt	Received: 5/20/2005
Project#: AP200505072	
Company: Garnett Wood Products-	Description: Charcoal
Location: 11400 COUNTY RD 9890	Permit Type: AOP: Part 70 Operating Permit Renewal
City: Brandsville	Status: AP: Awaiting Technical Review
County: Howell	Received: 5/12/2005
Project#: AP200505047	
Company: Mountain View Fabricating	Description: Vending machines
Location: 1315 E US Hwy 60	Permit Type: AP: Applicability Determination Request
City: Mountain View	Status: AP: Awaiting Completeness Check
County: Howell	Received: 5/16/2005
Project#: AP200505068	
Company: Timberland Pallet & Hardwood Co	Description: Replace Kilns
Location: 3772 US Hwy 160 W	Permit Type: AP: Sec 5 & 6: Deminimis and Minor
City: West Plains	Status: AP: Unit Chief Review
County: Howell	Received: 5/3/2005
Project#: AP200505008	
Company: Allied Waste Ind Sanitary Landfill	Description: Flare Changes
Location: 8300 INDIANA AVE	Permit Type: AOP: Part 70 Operating Permit Minor Modific
City: Kansas City	Status: AP: Receive, Log, Assign
County: Jackson	Received: 5/27/2005
Project#: AP200506013	
Company: Allied Waste Ind Sanitary Landfill	Description: Flare Changes
Location: 8300 INDIANA AVE	Permit Type: AP: Local CP
City: Kansas City	Status: AP: Receive, Log, Assign
County: Jackson	Received: 5/27/2005
Project#: AP200506012	
Company: Barton Nelson Inc	Description: press conversion
Location: 13700 Wyandotte	Permit Type: AP: Local CP
City: Kansas City	Status: AP: Permit Issued
County: Jackson	Received: 5/6/2005
Project#: AP200505036	

Company: Kansas City Power & Light	Description: Production Lmiit
Location: 4400 E FRONT ST	Permit Type: AP: Local CP
City: Kansas City	Status: AP: Permit Issued
County: Jackson	Received: 5/6/2005
Project#: AP200505035	
Company: LaFarge North America	Description: Rock Crushing
Location: 16400 E KENTUCKY RD	Permit Type: AOP: Basic Operating Permit
City: Independence	Status: AP: Received Basic OP Issued
County: Jackson	Received: 5/12/2005
Project#: AP200505081	
Company: Martec Pharmaceutical Inc	Description: facility-wide emission limits
Location: 1800 N Topping	Permit Type: AP: Local CP
City: Kansas City	Status: AP: Permit Issued
County: Jackson	Received: 5/11/2005
Project#: AP200505040	
Company: Southern Star Central Pipeline - Lone Ja	Description: Natural gas compressor
Location: 14091 Hutt Rd	Permit Type: AP: Applicability Determination Request
City: Lone Jack	Status: AP: Awaiting Completeness Check
County: Jackson	Received: 5/3/2005
Project#: AP200505011	
Company: Team Excavating	Description: Rock Crushing
Location: T49N:R31W:S29:NW	Permit Type: AP: Sec 4: Relocate Approved Site
City: Independence	Status: AP: Section 4 Permit Issued
County: Jackson	Received: 5/23/2005
Project#: AP200505084	
Company: Blevins Asphalt Construction Co, Inc.	Description: Increase Asphalt Production
Location: 1331 Civil War Avenue	Permit Type: AP: IR Sec 5 & 6: De minimis and Minor
City: Carthage	Status: AP: Applicant Response to Subsequent
County: Jasper	Received: 5/5/2005
Project#: AP200505029	
Company: General Steel Fabricators	Description: Painting
Location: 927 Schifferdecker	Permit Type: AP: Applicability Determination Request
City: Joplin	Status: AP: Receive, Log, Assign
County: Jasper	Received: 5/23/2005
Project#: AP200505088	
Company: Renewable Environmental Solutions	Description: Poultry Waste Conversion
Location: 530 N Main St	Permit Type: AP: Sec 5 & 6: De minimis and Minor
City: Carthage	Status: AP: No Permit Required
County: Jasper	Received: 5/2/2005
Project#: AP200505003	
Company: Renewable Environmental Solutions	Description: Material Storage
Location: 530 N Main St	Permit Type: AP: Corrections & Amendments
City: Carthage	Status: AP: Receive, Log, Assign
County: Jasper	Received: 5/23/2005
Project#: AP200505094	
Company: DOW Chemical Co.	Description: Ink replacement
Location: 500 Dow Industrial Drive	Permit Type: AP: Applicability Determination Request
City: Pevely	Status: AP: Awaiting Completeness Check
County: Jefferson	Received: 5/20/2005
Project#: AP200505076	
Company: Fred Weber, Inc	Description: Fuel Evaluation
Location: Buck Knob Road	Permit Type: AP: IR Corrections & Amendments
City: FESTUS	Status: AP: Amendment Approved
County: Jefferson	Received: 5/19/2005
Project#: AP200505065	

Company: United States Air Force - WAFB	Description: Official Changes
Location: 660 10TH ST	Permit Type: AOP: Intermediate Operating Permit Amendme
City: Whiteman AFB	Status: AP: Receive, Log, Assign
County: Johnson	Received: 5/6/2005
Project#: AP200505098	
Company: MFA Exchange - Higginsville-	Description: Construction of a new grain receiving and stora
Location: 105 W 22nd	Permit Type: AP: Sec 5 & 6: Deminimis and Minor
City: Higginsville	Status: AP: Technical Review
County: Lafayette	Received: 5/26/2005
Project#: AP200505105	
Company: Bailey Limestone Co., Inc. - Chesapeake	Description: Rock Crushing - electrosb - BMP
Location: County Rd 1150	Permit Type: AP: IR Sec 5 & 6: Deminimis and Minor
City: Mt. Vernon	Status: AP: Technical Review
County: Lawrence	Received: 5/24/2005
Project#: AP200505089	
Company: Bailey Quarries - Spencer Quarry	Description: Rock Crushing - electrosb - BMP
Location: T29N:R26W:S25	Permit Type: AP: IR Sec 5 & 6: Deminimis and Minor
City: Miller	Status: AP: Technical Review
County: Lawrence	Received: 5/24/2005
Project#: AP200505092	
Company: Champion Ready Mix	Description: Concrete
Location: Wehd Lane	Permit Type: AP: IR Sec 5 & 6: Deminimis and Minor
City: Old Monroe	Status: AP: IR Completeness Check
County: Lincoln	Received: 5/25/2005
Project#: AP200505096	
Company: Fred Weber - Old 79 Foley Site	Description: Rock Crushing - BMP
Location: 399 Old Mo Hwy 79	Permit Type: AP: Sec 4: Relocate to New Site
City: Foley	Status: AP: IR Unit Chief Review
County: Lincoln	Received: 5/23/2005
Project#: AP200505085	
Company: Fred Weber Inc	Description: Equipment demonstration
Location: 3913 County Hwy B	Permit Type: AP: IR Applicability Determination Request
City: Auburn	Status: AP: Awaiting Completeness Check
County: Lincoln	Received: 5/13/2005
Project#: AP200505058	
Company: Hunt Martin Materials - Blue Mound	Description: Bin, conveyor
Location: County Hwy Z	Permit Type: AP: IR Applicability Determination Request
City: Dawn	Status: AP: Awaiting Completeness Check
County: Livingston	Received: 5/31/2005
Project#: AP200506014	
Company: C.B. Asphalt at LaPlata	Description: Six-month extension
Location: T60N:R14W:S09:SW:NE	Permit Type: AP: IR Corrections & Amendments
City: La Plata	Status: AP: Section 4 Permit Issued
County: Macon	Received: 5/10/2005
Project#: AP200505043	
Company: Chester Bross Construction Co.	Description: Concrete
Location: T57N:R16W:S07:SW	Permit Type: AP: Sec 4: Relocate to New Site
City: New Cambria	Status: AP: Section 4 Permit Issued
County: Macon	Received: 5/4/2005
Project#: AP200505026	
Company: Mark Twain Redi Mix - Hwy 36	Description: Concrete
Location: T57N:R16W:S07:SW	Permit Type: AP: Sec 4: Relocate to New Site
City: New Cambria	Status: AP: Application Withdrawn by Applicant
County: Macon	Received: 5/2/2005
Project#: AP200505010	

Company: Bailey Quarries, Inc - Jane Quarry	Description: Rock Crushing - electrosb - BMP
Location: T21N:T31W:S16:SE S of Hwy 90 1 Mi E o	Permit Type: AP: IR Sec 5 & 6: Deminimis and Minor
City: Jane	Status: AP: Technical Review
County: McDonald	Received: 5/24/2005
Project#: AP200505090	
Company: H.T.R. Inc - Lake Ozark	Description: Mercury recycling
Location: 415 Kaiser Industrial Dr	Permit Type: AP: Applicability Determination Request
City: Kaiser	Status: AP: Awaiting Completeness Check
County: Miller	Received: 5/5/2005
Project#: AP200505044	
Company: Hedges Funeral Home	Description: Crematory
Location: County Hwy D	Permit Type: AOP: Basic Operating Permit Renewal
City: Osage Beach	Status: AP: Initial Clerical Prep
County: Miller	Received: 5/25/2005
Project#: AP200505101	
Company: Capital Quarries, Inc.	Description: Rock Crushing
Location: 55588 Wingate Ford Road	Permit Type: AP: Sec 4: Relocate Approved Site
City: California	Status: AP: Section 4 Permit Issued
County: Moniteau	Received: 5/17/2005
Project#: AP200505060	
Company: Noranda Aluminum Inc	Description: Reverb Furnace
Location: St. Jude Industrial Park	Permit Type: AP: Sec 5 & 6: Deminimis and Minor
City: New Madrid	Status: AP: Technical Review
County: New Madrid	Received: 5/5/2005
Project#: AP200505028	
Company: Gulf States Paper Corporation	Description: OP modification
Location: 4200 E 32ND ST	Permit Type: AOP: Basic Operating Permit Renewal
City: Joplin	Status: AP: Initial Clerical Prep
County: Newton	Received: 5/26/2005
Project#: AP200505107	
Company: Protein Solutions, LLC	Description: Dry Poultry Protein
Location: 3200 E 32nd st	Permit Type: AP: Sec 5 & 6: Deminimis and Minor
City: Joplin	Status: AP: Technical Review
County: Newton	Received: 5/2/2005
Project#: AP200505007	
Company: Kawasaki Motors Manufacturing Corp	Description: Install 4 new processes
Location: 28147 BUSINESS HIGHWAY 71	Permit Type: AP: Sec 5 & 6: Deminimis and Minor
City: MARYVILLE	Status: AP: IR Completeness Check
County: Nodaway	Received: 5/31/2005
Project#: AP200505106	
Company: LaFarge Construction Materials	Description: Modification for Crusher
Location: 21469 HIGHWAY 50	Permit Type: AOP: Basic Operating Permit Amendment
City: Sedalia	Status: AP: Receive, Log, Assign
County: Pettis	Received: 5/12/2005
Project#: AP200505078	
Company: Holcim (US) Inc.	Description: Spent activated carbon combustion
Location: 14744 MO Hwy 79 N	Permit Type: AP: Applicability Determination Request
City: Clarksville	Status: AP: Awaiting Completeness Check
County: Pike	Received: 5/16/2005
Project#: AP200505077	
Company: Holcim (US) Inc.	Description: Finished product handling
Location: 14744 MO Hwy 79 N	Permit Type: AP: Applicability Determination Request
City: Clarksville	Status: AP: Receive, Log, Assign
County: Pike	Received: 5/23/2005
Project#: AP200505087	

Company: Magruder Limestone	Description: Rock Crushing
Location: 11190 US Hwy 54 West	Permit Type: AP: Sec 4: Relocate Approved Site
City: Bowling Green	Status: AP: Section 4 Permit Issued
County: Pike	Received: 5/19/2005
Project#: AP200505063	
Company: Kansas City Power & Light (Iatan)	Description: Coal-fired power plant
Location: 20240 Hwy 45 North	Permit Type: AP: Section 7, 8 & 9 Major Source Review
City: Weston	Status: AP: Receive, Log, Assign
County: Platte	Received: 5/16/2005
Project#: AP200505062	
Company: Tracker Marine	Description: Paint Booth
Location: 1402 S. Killingsworth	Permit Type: AP: Sec 5 & 6: Deminimis and Minor
City: Bolivar	Status: AP: Technical Review
County: Polk	Received: 5/13/2005
Project#: AP200505051	
Company: Willard Quarries - Teak Rd	Description: Sand and Gravel-electrosub, BMP
Location: Teak Rd	Permit Type: AP: IR Sec 5 & 6: Deminimis and Minor
City: St. Robert	Status: AP: Applicant Response to Subsequent
County: Pulaski	Received: 5/10/2005
Project#: AP200505042	
Company: Continental Cement Company - Ilasco	Description: Waste Storage tank
Location: 10107 MO Hwy 79	Permit Type: AP: Applicability Determination Request
City: Hannibal	Status: AP: Executive Review
County: Ralls	Received: 5/6/2005
Project#: AP200505033	
Company: Glasgow Quarries, Inc	Description: Pugmill
Location: County Rd 129	Permit Type: AP: Sec 4: Relocate Approved Site
City: GILLIAM	Status: AP: Section 4 Permit Issued
County: Saline	Received: 5/16/2005
Project#: AP200505059	
Company: MFA Inc	Description: General OP - Fertilizer
Location: MO Hwy 77 South	Permit Type: AOP: Basic Operating Permit Renewal
City: Benton	Status: AP: Initial Clerical Prep
County: Scott	Received: 5/17/2005
Project#: AP200505083	
Company: Fred Weber - New Melle Quarry	Description: Crusher and screen exchange
Location: 2710 County Hwy F	Permit Type: AP: IR Applicability Determination Request
City: New Melle	Status: AP: Awaiting Completeness Check
County: St. Charles	Received: 5/19/2005
Project#: AP200505075	
Company: Fred Weber - New Melle Quarry	Description: New Crushing Plant
Location: 2710 County Hwy F	Permit Type: AP: IR Sec 5 & 6: Deminimis and Minor
City: New Melle	Status: AP: IR Completeness Check
County: St. Charles	Received: 5/31/2005
Project#: AP200505109	
Company: LaFarge North America - St. Charles	Description: Pit haul road
Location: 2000 S RIVER RD	Permit Type: AP: IR Corrections & Amendments
City: SAINT CHARLES	Status: AP: IR Unit Chief Review
County: St. Charles	Received: 5/2/2005
Project#: AP200505005	
Company: LaFarge North America-Defiance Plant	Description: Production modifications
Location: County Hwy DD	Permit Type: AOP: Basic Operating Permit Amendment
City: Defiance	Status: AP: Receive, Log, Assign
County: St. Charles	Received: 5/12/2005
Project#: AP200505080	

Company: Mark Twain Redi-Mix - Hwy 67	Description: Concrete
Location: T36N:R05E:S23:SW	Permit Type: AP: Sec 4: Relocate to New Site
City: Farmington	Status: AP: Final Clerical Prep
County: St. Francois	Received: 5/5/2005
Project#: AP200505031	
Company: Edward Jones	Description: Diesel Generator
Location: 122555 Manchester	Permit Type: AP: Local CP
City: St. Louis	Status: AP: Receive, Log, Assign
County: St. Louis	Received: 5/31/2005
Project#: AP200506015	
Company: Kirchner Block & Brick	Description: Concrete
Location: 201 Rock Industrial Park Dr	Permit Type: AP: Local CP
City: Bridgeton	Status: AP: Receive, Log, Assign
County: St. Louis	Received: 5/31/2005
Project#: AP200506016	
Company: McDonnell Douglas - Boeing Co.	Description:
Location: Lindbergh St	Permit Type: AOP: Part 70 Operating Permit Sign. Modificat
City: St. Louis	Status: AP: Receive, Log, Assign
County: St. Louis	Received: 5/26/2005
Project#: AP200506022	
Company: Metro Sewer St Louis Sewer District	Description: Wastewater Treatment
Location: 201 Hoffmeister	Permit Type: AOP: Part 70 Operating Permit Renewal
City: St. Louis	Status: AP: Receive, Log, Assign
County: St. Louis	Received: 5/26/2005
Project#: AP200506025	
Company: Pace Construction Co	Description: Asphalt
Location: 15900 New Jamestown Rd	Permit Type: AOP: Basic Operating Permit
City: Florissant	Status: AP: Receive, Log, Assign
County: St. Louis	Received: 5/26/2005
Project#: AP200506024	
Company: Packaging Concepts Inc	Description: Printing Press
Location: 9832 Evergreen Industrial Dr	Permit Type: AP: Local CP
City: Green Park	Status: AP: Receive, Log, Assign
County: St. Louis	Received: 5/31/2005
Project#: AP200506017	
Company: Pro-Tect Mfg Inc	Description: Plastics
Location: 1251 Ferguson Ave	Permit Type: AOP: Intermediate Operating Permit Renewal
City: University City	Status: AP: Receive, Log, Assign
County: St. Louis	Received: 5/26/2005
Project#: AP200506023	
Company: St Louis Metallizing	Description: Plating modifications
Location: 4123 SARP Y AVE	Permit Type: AOP: Part 70 Operating Permit Sign. Modificat
City: St. Louis	Status: AP: Receive, Log, Assign
County: St. Louis City	Received: 5/19/2005
Project#: AP200505064	
Company: MFA Agri Service - Bernie	Description: General OP - Grain and Fertilizer
Location: 311 N. Drake	Permit Type: AOP: Basic Operating Permit Renewal
City: Bernie	Status: AP: Initial Clerical Prep
County: Stoddard	Received: 5/23/2005
Project#: AP200505097	
Company: MFA Inc	Description: General OP - Grain and Fertilzier
Location: Oak St at South St	Permit Type: AOP: Basic Operating Permit Renewal
City: Advance	Status: AP: Received Basic OP Issued
County: Stoddard	Received: 5/17/2005
Project#: AP200505082	

Company: Current River Pole Company, LLC	Description: Add boiler
Location: 200 Staples Lane	Permit Type: AP: Sec 5 & 6: Dminimis and Minor
City: Licking	Status: AP: Technical Review
County: Texas	Received: 5/4/2005
Project#: AP200505022	
Company: 3M Company - Commercial Graphics	Description: Install Mixer
Location: 2120 E AUSTIN BLVD	Permit Type: AP: Corrections & Amendments
City: Nevada	Status: AP: Awaiting Completeness Check
County: Vernon	Received: 5/13/2005
Project#: AP200505095	
Company: Capital Quarries - High Hill Quarry	Description: Rock Crushing
Location: 1164 TREE FARM RD	Permit Type: AP: Sec 4: Relocate Approved Site
City: High Hill	Status: AP: Final Clerical Prep
County: Warren	Received: 5/31/2005
Project#: AP200505108	
Company: Lafarge North America	Description: Modification for conveyor
Location: 547 Hwy J	Permit Type: AOP: Basic Operating Permit Amendment
City: Wright City	Status: AP: Receive, Log, Assign
County: Warren	Received: 5/12/2005
Project#: AP200505079	
Company: APAC Missouri-Wash. County	Description: Asphalt
Location: MO Hwy 21	Permit Type: AP: Sec 4: Relocate to New Site
City: Potosi	Status: AP: Applicant Response to Subsequent
County: Washington	Received: 5/25/2005
Project#: AP200505100	
Company: Capital Sand - Pea Ridge Site	Description: Rock Crushing - electrosb-BMP
Location: County Hwy EE	Permit Type: AP: IR Sec 5 & 6: Dminimis and Minor
City: Sullivan	Status: AP: IR Completeness Check
County: Washington	Received: 5/13/2005
Project#: AP200505067	



Missouri Department of Natural Resources
Air and Land Protection Division
Air Pollution Control Program

**PERMIT APPLICATIONS
COMPLETED**

	Construction Permits	Operating Permits	Total
January	30	19	49
February	41	35	76
March	87	35	122
April	45	13	58
May	71	22	93
Total	274	124	398

Department of Natural Resources

Air and Land Protection Division

Permits Management System

Air Pollution Control Program

Company: C.B. Asphalt at 54-19 Junction	Received 5/5/2005	Completed 5/24/2005	Permit # 0795-026	Days Used 19
Location: T51N:R07W:S26:SE	Description: Asphalt			
City: Martinsburg	Permit Type: AP: Sec 4: Relocate to New Site			
County: Audrain	Status: AP: Section 4 Permit Issued			
Project#: AP200505030				
Company: Epoch Composite Products	Received 5/4/2005	Completed 5/26/2005	Permit #	Days Used 22
Location: 1701 Maple St.	Description: Transfer scrap material			
City: Lamar	Permit Type: AP: Applicability Determination Request			
County: Barton	Status: AP: No Permit Required			
Project#: AP200505021				
Company: Hilty Quarries at Adrian Quarry	Received 5/2/2005	Completed 5/19/2005	Permit #	Days Used 17
Location: MO Hwy 18	Description: Rock Crushing-Temporary			
City: Adrian	Permit Type: AP: Sec 4: Relocate to New Site			
County: Bates	Status: AP: Section 4 Permit Issued			
Project#: AP200505006				
Company: Columbia Ready Mix, Inc	Received 3/14/2005	Completed 5/2/2005	Permit # 092000-017	Days Used 49
Location: 2600 North Stadium Blvd	Description: Make portable concrete stationary			
City: Columbia	Permit Type: AP: IR Corrections & Amendments			
County: Boone	Status: AP: No Permit Required			
Project#: AP200503061				
Company: Tribune Publishing Co	Received 11/18/2004	Completed 5/2/2005	Permit #	Days Used 165
Location: 101 North 4th Street	Description: Newspaper Printing			
City: Columbia	Permit Type: AP: Sec 5 & 6: Dminimis and Minor			
County: Boone	Status: AP: No Permit Required			
Project#: AP200411070				
Company: Everett Quarries 6	Received 4/11/2005	Completed 5/3/2005	Permit # 122001-003	Days Used 22
Location: 660 SE Quarry Dr	Description: Recordkeeping revisions for added equipment			
City: Kingston	Permit Type: AP: IR Corrections & Amendments			
County: Caldwell	Status: AP: Closed Out, Inactive			
Project#: AP200504025				
Company: APAC - Richardson Bass	Received 12/22/2004	Completed 5/12/2005	Permit # 052005-010	Days Used 141
Location: County Hwy J	Description: Asphalt-electrosub-BMP			
City: Millersburg	Permit Type: AP: IR Sec 5 & 6: Dminimis and Minor			
County: Callaway	Status: AP: Section 5 Permit Issued			
Project#: AP200412090				
Company: Bancs Group Inc DBA Circle Environmental	Received 12/15/2004	Completed 5/24/2005	Permit # OP	Days Used 160
Location: 1610 Sunnyside Lane	Description: Perc Drycleaning			
City: Fulton	Permit Type: AOP: Basic Operating Permit			
County: Callaway	Status: AP: Operating Permit Terminated			
Project#: AP200412074				
Company: Bailey Quarries, Inc - Stockton Quarry	Received 3/11/2005	Completed 5/13/2005	Permit # 0997-028	Days Used 63
Location: County Hwy K	Description: Amend for co-location-electrosub			
City: Stockton	Permit Type: AP: Sec 5 & 6: Dminimis and Minor			
County: Cedar	Status: AP: Section 5 Permit Issued			
Project#: AP200503036				

Company: Circle M Ready Mix	Received	Completed	Permit #	Days Used
Location: 300 Industrial Park Dr	3/18/2005	5/26/2005	052005-027	69
City: Sparta	Description: Concrete Batch Plant - electrosb			
County: Christian	Permit Type: AP: IR Sec 5 & 6: Deminimis and Minor			
Project#: AP200503072	Status: AP: Section 5 Permit Issued			
Company: Midwest Stone - L and W site	Received	Completed	Permit #	Days Used
Location: T65N:R07W:S16:NW	4/15/2005	5/19/2005	0499-018	34
City: Wayland	Description: Rock Crushing			
County: Clark	Permit Type: AP: Sec 4: Relocate to New Site			
Project#: AP200504053	Status: AP: Section 4 Permit Issued			
Company: U. S. Gypsum Co	Received	Completed	Permit #	Days Used
Location: 1115 Armour Rd	2/3/2005	5/24/2005	OP	110
City: North Kansas City	Description: Gypsum Wallboard			
County: Clay	Permit Type: AOP: Part 70 Operating Permit Admin. Amen			
Project#: AP200502017	Status: AP: Operating Permit Terminated			
Company: Everett Quarries - Everett Quarry #1	Received	Completed	Permit #	Days Used
Location: 510 SE 248th St	4/25/2005	5/2/2005	1293-012	7
City: Lathrop	Description: Rock Crushing			
County: Clinton	Permit Type: AP: Sec 4: Relocate Approved Site			
Project#: AP200504081	Status: AP: Section 4 Permit Issued			
Company: Capital Quarries - Eugene	Received	Completed	Permit #	Days Used
Location: 15103 MO Hwy 17	4/26/2005	5/2/2005	072004-006	6
City: Eugene	Description: Rock Crushing			
County: Cole	Permit Type: AP: Sec 4: Relocate Approved Site			
Project#: AP200504088	Status: AP: Section 4 Permit Issued			
Company: Farmers Concrete Co	Received	Completed	Permit #	Days Used
Location: 2916 N Shamrock	2/9/2005	5/4/2005	052005-004	84
City: Jefferson City	Description: Add Co-located plant			
County: Cole	Permit Type: AP: IR Sec 5 & 6: Deminimis and Minor			
Project#: AP200502037	Status: AP: Section 5 Permit Issued			
Company: Jefferson City Correctional Center	Received	Completed	Permit #	Days Used
Location: 8416 Fenceline Rd	5/24/2004	5/13/2005	052005-012	354
City: Jefferson City	Description: Maximum Security Center			
County: Cole	Permit Type: AP: Sec 5 & 6: Deminimis and Minor			
Project#: AP200405113	Status: AP: Section 5 Permit Issued			
Company: Paramount Metalizing Co	Received	Completed	Permit #	Days Used
Location: 1005 N Service Road	1/20/2005	5/6/2005	052005-006	106
City: Sullivan	Description: Add paint robot			
County: Crawford	Permit Type: AP: Sec 5 & 6: Deminimis and Minor			
Project#: AP200501066	Status: AP: Section 5 Permit Issued			
Company: APAC - Taylor Quarries	Received	Completed	Permit #	Days Used
Location: NE 100TH 20TH LANE	4/20/2005	5/11/2005	042005-007	21
City: Lockwood	Description: Asphalt			
County: Dade	Permit Type: AP: Sec 4: Relocate to New Site			
Project#: AP200504068	Status: AP: Section 4 Permit Issued			
Company: Leo Journagan Construction	Received	Completed	Permit #	Days Used
Location: County Hwy Z	4/18/2005	5/2/2005	072004-024	14
City: Lockwood	Description: Rock Crushing - electrosb - BMP			
County: Dade	Permit Type: AP: Sec 4: Relocate to New Site			
Project#: AP200504059	Status: AP: Section 4 Permit Issued			

Company: Norris Asphalt Paving	Received	Completed	Permit #	Days Used
Location: T60N:R27W:S33:SW:SW MO Hwy 13 N	3/31/2005	5/2/2005	042001-001	32
City: Gallatin	Description: Asphalt			
County: Daviess	Permit Type: AP: Sec 4: Relocate to New Site			
Project#: AP200503111	Status: AP: Section 4 Permit Issued			
Company: Norris Asphalt Paving	Received	Completed	Permit #	Days Used
Location: T60N:R27W:S33:SW:SW MO Hwy 13 N	4/7/2005	5/2/2005	0497-008	25
City: Gallatin	Description: Rock Crushing with co-location			
County: Daviess	Permit Type: AP: Sec 4: Relocate to New Site			
Project#: AP200504008	Status: AP: Section 4 Permit Issued			
Company: Capital Sand-Washington 2	Received	Completed	Permit #	Days Used
Location: T44N:R01W:S24,25 Simmons Rd	1/27/2005	5/2/2005		95
City: Washington	Description: Adjust for doc watering			
County: Franklin	Permit Type: AP: IR Applicability Determination Request			
Project#: AP200501090	Status: AP: Permit Required			
Company: Jefferson Smurfit Corporation	Received	Completed	Permit #	Days Used
Location: 1101 South Denton	6/16/2003	5/23/2005	OP	707
City: Pacific	Description: Folding Cartons			
County: Franklin	Permit Type: AOP: Part 70 Operating Permit Renewal			
Project#: AP200306063	Status: AP: Operating Permit Issued			
Company: Missouriian Publishing Company, Inc.	Received	Completed	Permit #	Days Used
Location: 14 W MAIN ST	6/28/2004	5/2/2005		308
City: Washington	Description: Plant PTE			
County: Franklin	Permit Type: AP: Sec 5 & 6: Deminimis and Minor			
Project#: AP200406076	Status: AP: No Permit Required			
Company: Sullivan Precision Metal Finishing	Received	Completed	Permit #	Days Used
Location: 995 North Service Road West	2/14/2005	5/27/2005	052005-028	102
City: Sullivan	Description: Anodizing Tank			
County: Franklin	Permit Type: AP: Sec 5 & 6: Deminimis and Minor			
Project#: AP200502048	Status: AP: Section 5 Permit Issued			
Company: The Meramec Group	Received	Completed	Permit #	Days Used
Location: 338 Ramsey St	5/3/2005	5/26/2005		23
City: Sullivan	Description: Paint booth applicability			
County: Franklin	Permit Type: AP: Applicability Determination Request			
Project#: AP200505014	Status: AP: No Permit Required			
Company: Triple D Cleaners	Received	Completed	Permit #	Days Used
Location: 209 W Second	11/21/2003	5/26/2005	OP	552
City: Washington	Description: Terminate OP			
County: Franklin	Permit Type: AOP: Basic Operating Permit Amendment			
Project#: AP200311062	Status: AP: Closed out, per policy			
Company: Richard Mertens Construction	Received	Completed	Permit #	Days Used
Location: T45N:R05W:S30:NE First Creek Dr	3/3/2005	5/6/2005	052005-005	64
City: Hermann	Description: New Rock Crushing Plant -electrosub			
County: Gasconade	Permit Type: AP: IR Sec 5 & 6: Deminimis and Minor			
Project#: AP200503010	Status: AP: Section 5 Permit Issued			
Company: Courtney Excavating	Received	Completed	Permit #	Days Used
Location: T28N:R23W:S10:SE:NE	5/5/2005	5/10/2005	092002-009	5
City: Brookline	Description: Rock Crushing			
County: Greene	Permit Type: AP: Sec 4: Relocate Approved Site			
Project#: AP200505024	Status: AP: Section 4 Permit Issued			

Company: Courtney Excavating	Received	Completed	Permit #	Days Used
Location: T28N:R23W:S10:SE:NE	5/5/2005	5/10/2005	072000-017	5
City: Brookline	Description: Pugmill			
County: Greene	Permit Type: AP: Sec 4: Relocate Approved Site			
Project#: AP200505025	Status: AP: Section 4 Permit Issued			
Company: Norris Asphalt Paving Co.	Received	Completed	Permit #	Days Used
Location: T61N:R37W:S27:NW:NE	4/25/2005	5/2/2005	012005-004	7
City: Oregon	Description: Rock Crushing-cancelled			
County: Holt	Permit Type: AP: Sec 4: Relocate Approved Site			
Project#: AP200504082	Status: AP: Section 4 Permit Issued			
Company: Norris Asphalt Paving Co.	Received	Completed	Permit #	Days Used
Location: T61N:R37W:S27:NW:NE	5/20/2005	5/24/2005	1299-004	4
City: Oregon	Description: Rock Crushing			
County: Holt	Permit Type: AP: Sec 4: Relocate Approved Site			
Project#: AP200505072	Status: AP: Section 4 Permit Issued			
Company: Rock Quarries LLC	Received	Completed	Permit #	Days Used
Location: T27N:R07W:S24:SW:NW Junc. US Hwy 60 a	2/3/2005	5/17/2005	052005-019	103
City: Mountain View	Description: Sized Rock Storage and sales			
County: Howell	Permit Type: AP: Sec 5 & 6: Deminimis and Minor			
Project#: AP200502012	Status: AP: Section 5 Permit Issued			
Company: Timberland Pallet & Hardwood Co	Received	Completed	Permit #	Days Used
Location: 3772 US Hwy 160 W	2/14/2005	5/26/2005		101
City: West Plains	Description: Replace Kilns			
County: Howell	Permit Type: AP: Applicability Determination Request			
Project#: AP200502054	Status: AP: No Permit Required			
Company: APAC-Kansas New Hospital	Received	Completed	Permit #	Days Used
Location: 19924 E 39th St	3/7/2005	5/26/2005		80
City: Independence	Description: New portable crusher - electrosu			
County: Jackson	Permit Type: AP: IR Sec 5 & 6: Deminimis and Minor			
Project#: AP200503028	Status: AP: Section 5 Permit Issued			
Company: Barton Nelson Inc	Received	Completed	Permit #	Days Used
Location: 13700 Wyandotte	5/6/2005	5/26/2005	1086	20
City: Kansas City	Description: press conversion			
County: Jackson	Permit Type: AP: Local CP			
Project#: AP200505036	Status: AP: Permit Issued			
Company: General Mills, Inc	Received	Completed	Permit #	Days Used
Location: 2917 GUINOTTE AVE	12/1/2004	5/5/2005	OP	155
City: N. Kansas City	Description: Flour Milling			
County: Jackson	Permit Type: AOP: Basic Operating Permit Renewal			
Project#: AP200412006	Status: AP: Received Basic OP Issued			
Company: Kansas City Power & Light	Received	Completed	Permit #	Days Used
Location: 4400 E FRONT ST	5/6/2005	5/26/2005	660-A	20
City: Kansas City	Description: Production Lmiit			
County: Jackson	Permit Type: AP: Local CP			
Project#: AP200505035	Status: AP: Permit Issued			
Company: Martec Pharmaceutical Inc	Received	Completed	Permit #	Days Used
Location: 1800 N Topping	5/11/2005	5/26/2005	1101	15
City: Kansas City	Description: facility-wide emission limits			
County: Jackson	Permit Type: AP: Local CP			
Project#: AP200505040	Status: AP: Permit Issued			

Company: MRI - Deramus Field Station	Received 2/22/2005	Completed 5/2/2005	Permit # 052005-001	Days Used 69
Location: 13204 Arrington Rd	Description: Incinerator			
City: Grandview	Permit Type: AP: Sec 5 & 6: Deminimis and Minor			
County: Jackson	Status: AP: Temporary Permit Issued			
Project#: AP200502085				
Company: Team Excavating	Received 5/23/2005	Completed 5/24/2005	Permit # 012005-005	Days Used 1
Location: T49N:R31W:S29:NW	Description: Rock Crushing			
City: Independence	Permit Type: AP: Sec 4: Relocate Approved Site			
County: Jackson	Status: AP: Section 4 Permit Issued			
Project#: AP200505084				
Company: Leo Journagan - Sarcoxie Site	Received 4/27/2005	Completed 5/18/2005	Permit # 0592-009	Days Used 21
Location: T28N:R30W:S34 Cedar Rd	Description: Asphalt - electrosb - BMP - co-location			
City: Sarcoxie	Permit Type: AP: Sec 4: Relocate to New Site			
County: Jasper	Status: AP: Section 4 Permit Issued			
Project#: AP200504095				
Company: Renewable Environmental Solutions	Received 5/2/2005	Completed 5/6/2005	Permit #	Days Used 4
Location: 530 N Main St	Description: Poultry Waste Conversion			
City: Carthage	Permit Type: AP: Sec 5 & 6: Deminimis and Minor			
County: Jasper	Status: AP: No Permit Required			
Project#: AP200505003				
Company: AAA Zoellner Materials	Received 2/22/2005	Completed 5/25/2005	Permit # 052005-024	Days Used 92
Location: 5555 Old Hwy 21	Description: Stationary Concrete Batch - electrosb			
City: Imperial	Permit Type: AP: IR Sec 5 & 6: Deminimis and Minor			
County: Jefferson	Status: AP: Section 5 Permit Issued			
Project#: AP200503011				
Company: AAA Zoellner Materials	Received 2/22/2005	Completed 5/16/2005	Permit # 052005-015	Days Used 83
Location: 5555 Old Hwy 21	Description: Allow for co-located plant-electrosb			
City: Imperial	Permit Type: AP: IR Sec 5 & 6: Deminimis and Minor			
County: Jefferson	Status: AP: Section 5 Permit Issued			
Project#: AP200502082				
Company: Bussen Quarries, Inc.	Received 2/8/2005	Completed 5/23/2005	Permit # 052005-022	Days Used 104
Location: 6800 BUSSEN RD	Description: Update for BMPs - electrosb			
City: EUREKA	Permit Type: AP: IR Sec 5 & 6: Deminimis and Minor			
County: Jefferson	Status: AP: Permit Issued			
Project#: AP200502028				
Company: Fred Weber Inc	Received 1/25/2005	Completed 5/11/2005	Permit # 052005-008	Days Used 106
Location: 838 VFW DR	Description: Add conveyor and separator			
City: Festus	Permit Type: AP: IR Sec 5 & 6: Deminimis and Minor			
County: Jefferson	Status: AP: Section 5 Permit Issued			
Project#: AP200501078				
Company: Fred Weber, Inc	Received 2/22/2005	Completed 5/6/2005	Permit # 052005-007	Days Used 73
Location: Buck Knob Road	Description: Evaluate existing asphalt for BMP			
City: FESTUS	Permit Type: AP: IR Sec 5 & 6: Deminimis and Minor			
County: Jefferson	Status: AP: Section 5 Permit Issued			
Project#: AP200502086				
Company: River Cement Company	Received 8/30/2004	Completed 5/20/2005	Permit # OP2000-112A	Days Used 263
Location: 1000 River Cement Rd	Description: Air Separator			
City: Festus	Permit Type: AOP: Part 70 Operating Permit Minor Modific			
County: Jefferson	Status: AP: Closed out, per policy			
Project#: AP200408107				

Company: River Cement Company	Received	Completed	Permit #	Days Used
Location: 1000 River Cement Rd	4/7/2005	5/18/2005	OP	41
City: Festus	Description:	Responsible official change		
County: Jefferson	Permit Type:	AOP: Part 70 Operating Permit Admin. Amen		
Project#: AP200504099	Status:	AP: Amendment Approved		
Company: Hilty Quarries, Inc	Received	Completed	Permit #	Days Used
Location: 407 SW Hwy 13	10/21/2004	5/16/2005		207
City: Warrensburg	Description:	Amend Property boundary		
County: Johnson	Permit Type:	AP: IR Corrections & Amendments		
Project#: AP200411017	Status:	AP: Application Withdrawn by Applicant		
Company: Hilty Quarries, Inc	Received	Completed	Permit #	Days Used
Location: 407 SW Hwy 13	10/21/2004	5/16/2005		207
City: Warrensburg	Description:	Property boundary		
County: Johnson	Permit Type:	AP: IR Corrections & Amendments		
Project#: AP200411016	Status:	AP: Application Withdrawn by Applicant		
Company: Hilty Quarries, Inc	Received	Completed	Permit #	Days Used
Location: 407 SW Hwy 13	3/3/2005	5/17/2005	052005-016	75
City: Warrensburg	Description:	New Portable Asphalt Plant		
County: Johnson	Permit Type:	AP: IR Sec 5 & 6: Dminimis and Minor		
Project#: AP200503006	Status:	AP: Section 5 Permit Issued		
Company: Hilty Quarries, Inc	Received	Completed	Permit #	Days Used
Location: 407 SW Hwy 13	3/3/2005	5/17/2005	052005-018	75
City: Warrensburg	Description:	BMPs and site boundary		
County: Johnson	Permit Type:	AP: IR Sec 5 & 6: Dminimis and Minor		
Project#: AP200503004	Status:	AP: Section 5 Permit Issued		
Company: Hilty Quarries, Inc	Received	Completed	Permit #	Days Used
Location: 407 SW Hwy 13	3/3/2005	5/17/2005	052005-017	75
City: Warrensburg	Description:	BMPs and property boundry		
County: Johnson	Permit Type:	AP: IR Sec 5 & 6: Dminimis and Minor		
Project#: AP200503005	Status:	AP: Section 5 Permit Issued		
Company: Kay Concrete Materials Co	Received	Completed	Permit #	Days Used
Location: 410 N Main	2/9/2005	5/4/2005	052005-003	84
City: Mount Vernon	Description:	Concrete Batch Plant		
County: Lawrence	Permit Type:	AP: IR Sec 5 & 6: Dminimis and Minor		
Project#: AP200502027	Status:	AP: Section 4 Permit Issued		
Company: C.B. Asphalt at LaPlata	Received	Completed	Permit #	Days Used
Location: T60N:R14W:S09:SW:NE	5/10/2005	5/19/2005	062001-002D	9
City: La Plata	Description:	Six-month extension		
County: Macon	Permit Type:	AP: IR Corrections & Amendments		
Project#: AP200505043	Status:	AP: Section 4 Permit Issued		
Company: Chester Bross Construction Co.	Received	Completed	Permit #	Days Used
Location: T57N:R16W:S07:SW	5/4/2005	5/19/2005	0899-025	15
City: New Cambria	Description:	Concrete		
County: Macon	Permit Type:	AP: Sec 4: Relocate to New Site		
Project#: AP200505026	Status:	AP: Section 4 Permit Issued		
Company: Mark Twain Redi Mix - Hwy 36	Received	Completed	Permit #	Days Used
Location: T57N:R16W:S07:SW	5/2/2005	5/5/2005	0196-001	3
City: New Cambria	Description:	Concrete		
County: Macon	Permit Type:	AP: Sec 4: Relocate to New Site		
Project#: AP200505010	Status:	AP: Application Withdrawn by Applicant		

Company: Quaker Window Products	Received 3/29/2005	Completed 5/2/2005	Permit #	Days Used 34
Location:				
City: Vienna	Description: Glass Manufacturing			
County: Maries	Permit Type: AP: Applicability Determination Request			
Project#: AP200504010	Status: AP: No Permit Required			
Company: The Kingsford Products Co	Received 3/30/2005	Completed 5/2/2005	Permit #	Days Used 33
Location: 21200 Maries Rd 314				
City: Belle	Description: Bag Top Catcher Replacement			
County: Maries	Permit Type: AP: Applicability Determination Request			
Project#: AP200504009	Status: AP: No Permit Required			
Company: Simmons Foods Inc	Received 1/20/2005	Completed 5/25/2005	Permit # 052005-026	Days Used 125
Location: 10700 MO Hwy 43 N				
City: Southwest City	Description: Rendering			
County: McDonald	Permit Type: AP: Sec 5 & 6: Dminimis and Minor			
Project#: AP200501067	Status: AP: Section 5 Permit Issued			
Company: Norris Asphalt Paving Co - Mercer	Received 4/25/2005	Completed 5/2/2005	Permit # 0497-009	Days Used 7
Location: T66N:R23W:S22:NW:SW County Hwy M				
City: Mercer	Description: Rock Crushing			
County: Mercer	Permit Type: AP: Sec 4: Relocate Approved Site			
Project#: AP200504083	Status: AP: Section 4 Permit Issued			
Company: Capital Quarries, Inc.	Received 5/17/2005	Completed 5/24/2005	Permit # 092002-018	Days Used 7
Location: 55588 Wingate Ford Road				
City: California	Description: Rock Crushing			
County: Moniteau	Permit Type: AP: Sec 4: Relocate Approved Site			
Project#: AP200505060	Status: AP: Section 4 Permit Issued			
Company: Cargill, Inc.	Received 2/18/2005	Completed 5/4/2005	Permit # 052005-002	Days Used 75
Location: 290 Levee Road				
City: New Madrid	Description: Truck dump tanks and conveyors			
County: New Madrid	Permit Type: AP: Sec 5 & 6: Dminimis and Minor			
Project#: AP200502075	Status: AP: Section 5 Permit Issued			
Company: Delta Asphalt	Received 3/28/2005	Completed 5/24/2005	Permit # 052005-023	Days Used 57
Location: T21N:R13E:S09:NW State Hwy F				
City: Conran	Description: New portable asphalt - electrosb - BMP			
County: New Madrid	Permit Type: AP: IR Sec 5 & 6: Dminimis and Minor			
Project#: AP200503103	Status: AP: Section 5 Permit Issued			
Company: Himmelberger - Harrison Mfg Co	Received 4/4/2005	Completed 5/10/2005	Permit #	Days Used 36
Location: MO Hwy 114				
City: Morehouse	Description: Add router			
County: New Madrid	Permit Type: AP: Applicability Determination Request			
Project#: AP200504016	Status: AP: No Permit Required			
Company: McCord Gin Company	Received 3/3/2005	Completed 5/26/2005	Permit #	Days Used 84
Location: MO Hwy 162 East				
City: Gideon	Description: Cotton unloading system			
County: New Madrid	Permit Type: AP: Sec 5 & 6: Dminimis and Minor			
Project#: AP200503007	Status: AP: No Permit Required			
Company: S-R Finishing	Received 1/18/2005	Completed 5/24/2005	Permit # OP	Days Used 126
Location: 122 Mary St				
City: Portageville	Description: Terminate OP			
County: New Madrid	Permit Type: AOP: Part 70 Operating Permit Admin. Amen			
Project#: AP200501070	Status: AP: Amendment Approved			

Company: Muenks Brothers Construction	Received	Completed	Permit #	Days Used
Location: 3717 US Hwy 50 West	4/14/2005	5/16/2005		32
City: Loose Creek	Description:	Update for BMPs		
County: Osage	Permit Type:	AP: IR Sec 5 & 6: Deminimis and Minor		
Project#: AP200504049	Status:	AP: Application Withdrawn by Applicant		
Company: Alcan Cable	Received	Completed	Permit #	Days Used
Location: 20213 WHITFIELD RD	2/16/2005	5/20/2005	052005-021	93
City: Sedalia	Description:	Add production lines		
County: Pettis	Permit Type:	AP: Sec 5 & 6: Deminimis and Minor		
Project#: AP200502064	Status:	AP: Section 5 Permit Issued		
Company: MO Hardwood Charcoal (S&R)	Received	Completed	Permit #	Days Used
Location: County Hwy O 6 Miles S of Rolla	12/28/2004	5/19/2005	OP 1999-051	142
City: Rolla	Description:	Terminate OP		
County: Phelps	Permit Type:	AOP: Part 70 Operating Permit Admin. Amen		
Project#: AP200412100	Status:	AP: Operating Permit Terminated		
Company: Dyno Nobel Inc	Received	Completed	Permit #	Days Used
Location: 11025 Hwy D	4/12/2005	5/10/2005	052005-011	28
City: Louisiana	Description:	Temporary boiler, generators		
County: Pike	Permit Type:	AP: Temporary or Pilot Plant Permit		
Project#: AP200504034	Status:	AP: Temporary Permit Issued		
Company: Magruder Limestone	Received	Completed	Permit #	Days Used
Location: 11190 US Hwy 54 West	5/19/2005	5/24/2005	022002-012	5
City: Bowling Green	Description:	Rock Crushing		
County: Pike	Permit Type:	AP: Sec 4: Relocate Approved Site		
Project#: AP200505063	Status:	AP: Section 4 Permit Issued		
Company: Central States Mortuary Inc	Received	Completed	Permit #	Days Used
Location: 4437R NW GATEWAY AVE	3/31/2005	5/24/2005	OP	54
City: Riverside	Description:	Mortuary Incinerator		
County: Platte	Permit Type:	AOP: Basic Operating Permit Renewal		
Project#: AP200504002	Status:	AP: Received Basic OP Issued		
Company: Harley Davidson Motor Co	Received	Completed	Permit #	Days Used
Location: 11401 N Congress	2/15/2001	5/23/2005	OP2005-011	1558
City: Kansas City	Description:	Motorcycle Manufacturing		
County: Platte	Permit Type:	AOP: Part 70 Operating Permit		
Project#: EX200102090	Status:	AP: Operating Permit Issued		
Company: Package Service Company, Inc.	Received	Completed	Permit #	Days Used
Location: 1800 NW VIVION RD	3/30/2005	5/2/2005		33
City: Northmoor	Description:	Printing Press		
County: Platte	Permit Type:	AP: Applicability Determination Request		
Project#: AP200503108	Status:	AP: No Permit Required		
Company: Mobile Fluid Recovery Inc	Received	Completed	Permit #	Days Used
Location: 1212 W Florida St	12/27/2004	5/2/2005		126
City: Evansville	Description:	Solvent rag recycling		
County: Portable Plant	Permit Type:	AP: Applicability Determination Request		
Project#: AP200501003	Status:	AP: No Permit Required		
Company: Continental Cement Company - Ilasco	Received	Completed	Permit #	Days Used
Location: 10107 MO Hwy 79	1/14/2005	5/25/2005	052005-025	131
City: Hannibal	Description:	Testing Activity		
County: Ralls	Permit Type:	AP: Temporary or Pilot Plant Permit		
Project#: AP200501049	Status:	AP: Temporary Permit Issued		

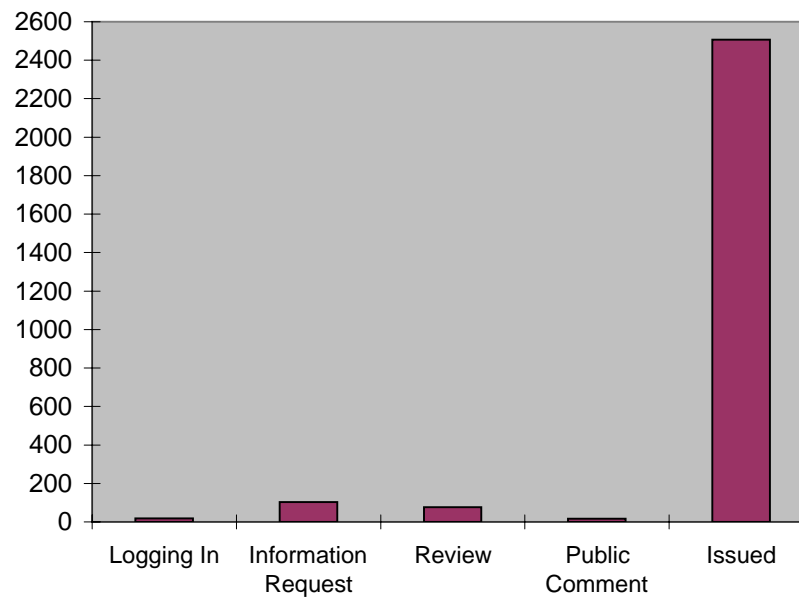
Company: Glasgow Quarries, Inc	Received 3/9/2005	Completed 5/18/2005	Permit # 052005-020	Days Used 70
Location: County Rd 129	Description: Rock Crushing Add BMPs			
City: GILLIAM	Permit Type: AP: IR Sec 5 & 6: Deminimis and Minor			
County: Saline	Status: AP: Section 5 Permit Issued			
Project#: AP200503033				
Company: Glasgow Quarries, Inc	Received 5/16/2005	Completed 5/24/2005	Permit # 0698-016	Days Used 8
Location: County Rd 129	Description: Pugmill			
City: GILLIAM	Permit Type: AP: Sec 4: Relocate Approved Site			
County: Saline	Status: AP: Section 4 Permit Issued			
Project#: AP200505059				
Company: Midwest Stone at Leo O'Laughlin	Received 3/29/2005	Completed 5/2/2005	Permit # 0499-018	Days Used 34
Location: T57N:R09W:S08 County Hwy TT	Description: Rock Crushing			
City: Shelby	Permit Type: AP: Sec 4: Relocate to New Site			
County: Shelby	Status: AP: Application Withdrawn by Applicant			
Project#: AP200503104				
Company: Chemico Systems	Received 1/11/2005	Completed 5/13/2005	Permit # 052005-013	Days Used 122
Location: 102 Enterprise Dr	Description: Parts Cleaning Oven			
City: Wentzville	Permit Type: AP: Sec 5 & 6: Deminimis and Minor			
County: St. Charles	Status: AP: Section 5 Permit Issued			
Project#: AP200501024				
Company: C.B. Asphalt at Ash Grove Osceola	Received 4/11/2005	Completed 5/2/2005	Permit # 0795-026	Days Used 21
Location: County Hwy TT	Description: Asphalt			
City: Osceola	Permit Type: AP: Sec 4: Relocate to New Site			
County: St. Clair	Status: AP: Section 4 Permit Issued			
Project#: AP200504032				
Company: American Ready Mix (Gumbo)	Received 2/5/2003	Completed 5/24/2005	Permit # OP	Days Used 839
Location: 18345 Chesterfield Airport Road	Description:			
City: Chesterfield	Permit Type: AOP: Basic Operating Permit Renewal			
County: St. Louis	Status: AP: Received Basic OP Issued			
Project#: AP200302036				
Company: Kohler & Sons Inc	Received 4/28/2005	Completed 5/5/2005	Permit # 6930	Days Used 7
Location: 9800 Page Ave	Description: Replace Presses			
City: St. Louis	Permit Type: AP: Local CP			
County: St. Louis	Status: AP: Permit Issued			
Project#: AP200504092				
Company: KV Pharmaceutical	Received 4/28/2005	Completed 5/5/2005	Permit # 6915	Days Used 7
Location: #1 Corporate Woods	Description: Humidification Boiler			
City: Bridgeton	Permit Type: AP: Local CP			
County: St. Louis	Status: AP: Permit Issued			
Project#: AP200504091				
Company: Artco Reidy River Terminal	Received 4/25/2005	Completed 5/5/2005	Permit # 02-10-022	Days Used 10
Location: 4528 S BROADWAY	Description: Boilers			
City: SAINT LOUIS	Permit Type: AP: Local CP			
County: St. Louis City	Status: AP: Permit Issued			
Project#: AP200504084				
Company: Four Star Finishing Co Inc	Received 3/18/2005	Completed 5/12/2005	Permit # OP05001	Days Used 55
Location: 707 Shenandoah Ave	Description: Surface Tension Monitoring			
City: St. Louis	Permit Type: AOP: Basic Operating Permit Amendment			
County: St. Louis City	Status: AP: Amendment Approved			
Project#: AP200503088				

Company: IPC - St. Louis	Received	Completed	Permit #	Days Used
Location: 4001 Gratiot Street	1/22/2004	5/5/2005	OP04003	469
City: St. Louis	Description: Electroplating			
County: St. Louis City	Permit Type: AOP: Basic Operating Permit Renewal			
Project#: AP200401098	Status: AP: Operating Permit Issued			
Company: Marquette Tool & Die	Received	Completed	Permit #	Days Used
Location: 3185 S Kingshighway	1/2/2004	5/12/2005	OP	496
City: St. Louis	Description:			
County: St. Louis City	Permit Type: AOP: Part 70 Operating Permit Minor Modific			
Project#: AP200401017	Status: AP: OP Application Replaced by New Submi			
Company: McKinley Iron	Received	Completed	Permit #	Days Used
Location: 3620 Hall	4/21/2003	5/5/2005	OP03006	745
City: St. Louis	Description: Scrap Metal			
County: St. Louis City	Permit Type: AOP: Basic Operating Permit Renewal			
Project#: AP200304139	Status: AP: Operating Permit Issued			
Company: New World Pasta	Received	Completed	Permit #	Days Used
Location: 611 E Marceau	4/21/2003	5/12/2005	OP	752
City: St. Louis	Description: Food			
County: St. Louis City	Permit Type: AOP: Part 70 Operating Permit Admin. Amen			
Project#: AP200304144	Status: AP: Closed out, per policy			
Company: Siegel Robert Plating	Received	Completed	Permit #	Days Used
Location: 8645 S BROADWAY	1/11/2005	5/24/2005	OP	133
City: St. Louis	Description: Terminate OP			
County: St. Louis City	Permit Type: AOP: Part 70 Operating Permit Admin. Amen			
Project#: AP200501076	Status: AP: Operating Permit Terminated			
Company: Trigen - St Louis Energy Corp	Received	Completed	Permit #	Days Used
Location: 1 ASHLEY ST	1/2/2004	5/12/2005	OP	496
City: St. Louis	Description:			
County: St. Louis City	Permit Type: AOP: Part 70 Operating Permit Minor Modific			
Project#: AP200401016	Status: AP: Closed out, per policy			
Company: Harris-Dexter Ready Mix	Received	Completed	Permit #	Days Used
Location: 701 N Harris Dr	4/12/2005	5/10/2005	OP	28
City: Dexter	Description: Concrete			
County: Stoddard	Permit Type: AOP: Basic Operating Permit Renewal			
Project#: AP200504045	Status: AP: Received Basic OP Issued			
Company: Nestle Purina PetCare	Received	Completed	Permit #	Days Used
Location: 22450 COUNTY HIGHWAY Y	1/27/2005	5/11/2005	052005-009	104
City: Bloomfield	Description: Clay Process			
County: Stoddard	Permit Type: AP: Sec 5 & 6: Deminimis and Minor			
Project#: AP200501087	Status: AP: Section 5 Permit Issued			
Company: WoodPro Cabinetry, Inc.	Received	Completed	Permit #	Days Used
Location: 330 Walnut	6/4/2004	5/24/2005	OP	354
City: Cabool	Description: VOC limits			
County: Texas	Permit Type: AOP: Intermediate Operating Permit Amendm			
Project#: AP200406039	Status: AP: Amendment Approved			
Company: GS Roofing Products Co - Gads Hill	Received	Completed	Permit #	Days Used
Location: MO Hwy 49 N	3/14/2005	5/24/2005	OP	71
City: Piedmont	Description: Add equipment			
County: Wayne	Permit Type: AOP: Basic Operating Permit Amendment			
Project#: AP200503068	Status: AP: Amendment Approved			

Company:	Hutchens-Steel Processors Division	Received	Completed	Permit #	Days Used
Location:	626 Steel St.	3/2/2005	5/26/2005		85
City:	Seymour	Description:	Shot blast cleaning machine		
County:	Webster	Permit Type:	AP: Sec 5 & 6: Dminimis and Minor		
Project#:	AP200503003	Status:	AP: No Permit Required		
Company:	American Walnut Company	Received	Completed	Permit #	Days Used
Location:	405 N Lyon St	1/13/2005	5/13/2005	052005-014	120
City:	Grant City	Description:	Gun Stocks		
County:	Worth	Permit Type:	AP: Sec 5 & 6: Dminimis and Minor		
Project#:	AP200501035	Status:	AP: Section 5 Permit Issued		

Operating Permit Progress Report as of 06-08-2005

		Permit Log In	Info Requests	APCP Review	Public Review	Issued	Total
Applicability Determination Requests	Subtotal	1	19	4	1	318	343
	% of total	0%	6%	1%	0%	93%	13%
Basic Permits	Subtotal	8	21	6	0	859	894
	% of total	1%	2%	1%	0%	96%	33%
Intermediate Permits	Subtotal	2	6	16	2	302	328
	% of total	1%	2%	5%	1%	92%	12%
Part 70 Permits	Subtotal	0	12	18	7	440	477
	% of total	0%	3%	4%	1%	92%	18%
Phase II Acid Rain Permits	Subtotal	0	1	1	0	50	52
	% of total	0%	2%	2%	0%	96%	2%
Local Permits	Subtotal	0	0	0	0	205	205
	% of total	0%	0%	0%	0%	100%	8%
Permit Modifications	Subtotal	7	44	32	7	333	423
	% of total	2%	10%	8%	2%	79%	16%
All Permits	Total	18	103	77	17	2507	2722
	% of total	1%	4%	3%	1%	92%	



RULE AND SIP AGENDA

June 30, 2005
Jefferson City, MO

ACTIONS FOR PUBLIC HEARING:

- * Missouri State Implementation Plan—Update to Kansas City Maintenance Plan for Control of Ozone

This proposed update to the 2002 Kansas City Maintenance Plan for Control of Ozone incorporates references to the 8-hour National Ambient Air Quality Standards and associated control triggers. Information regarding historical background and monitoring data/locations has also been updated. This revision will be in place until a new 8-hour ozone maintenance plan can be developed to meet the U.S. Environmental Protection Agency June 15, 2007 deadline.

- * Missouri State Implementation Plan—Doe Run Herculaneum, Modification to Consent Judgement

On December 7, 2000, the Missouri Air Conservation Commission adopted a revision to the state implementation plan for the control of lead emissions at the Doe Run Herculaneum smelter. The plan included a Consent Judgement that set emission control construction deadlines, process throughput limitations, outlined a set of contingency measures, and established stipulated penalties with potential production cuts. The Judgement was filed in Iron County Court and signed on January 5, 2001, and the plan was submitted to EPA on January 9, 2001, and formally approved on April 16, 2002.

The emission control strategy involved enclosure of the main processes at the plant, and the installation of building ventilation systems. The ventilation gases are filtered by state-of-the-art, high-efficiency baghouse filtration systems prior to release to the atmosphere. Capital costs were approximately \$12,000, 000. All of the emission control projects were completed by the deadline established in the Consent Judgement (July 31, 2002).

The Consent Judgement required the baghouses to meet a 0.022 grain per dry standard cubic foot performance standard, and it included language requiring the use of “Teflon membrane bags. Doe Run would like to replace these “Teflon membrane bags” with spun-bond pleated bags that have approximately twice the filter area. The Department of Natural Resources’ Air Pollution Control Program has been assured that the replacement bags will perform properly, and Doe Run will be required to conduct testing to demonstrate proper performance. The Consent Judgement must be modified to accommodate this change. The Consent Judgement has provisions for modification that simply require the parties to agree on the modification.

The purpose of the public hearing is to present the Consent Judgement modification for public comment

- * 10 CSR 10-2.390 (amendment) Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Laws

This proposed amendment will amend the state Kansas City transportation conformity rule to bring it into compliance with the recently amended federal transportation conformity rule.

- * 10 CSR 10-5.480 (amendment) Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Laws

This proposed amendment will amend the state St. Louis transportation conformity rule to bring it into compliance with the recently amended federal transportation conformity rule.

ACTIONS TO BE VOTED ON:

- * 10 CSR 10-6.070 (amendment) New Source Performance Regulations

This amendment incorporates by reference 40 CFR part 60 subparts amended between January 1, 2002 and June 30, 2003. This year's update includes a direct final amendment to subpart (GG) Stationary Gas Turbines (68FR17989). The federal rulemaking codifies several alternative testing and monitoring procedures that have been approved by EPA.

- * 10 CSR 10-6.075 (amendment) Maximum Achievable Control Technology Regulations

This amendment adopts by reference 18 new 40 CFR part 63 subparts finalized between January 1, 2002 and June 30, 2003. New subparts include the following source categories: Municipal Solid Waste Landfills; Paper and Other Web Coating; Surface Coating of Large Appliances; Printing, Coating, and Dyeing of Fabrics and Other Textiles; Surface Coating of Wood Building Products; Surface Coating of Metal Furniture; Reinforced Plastic Composites Production; Rubber Tire Manufacturing; Semiconductor Manufacturing; Pushing, Quenching, and Battery Stacks; Asphalt Processing and Asphalt Roofing Manufacturing; Integrated Iron and Steel Manufacturing Facilities; Brick and Structural Clay Products Manufacturing; Clay Ceramics Manufacturing; Flexible Polyurethane Foam Fabrication Operations; Hydrochloric Acid Production; Engine Test Cells/Standards; and Friction Materials Manufacturing Facilities.

- * 10 CSR 10-6.080 (amendment) Emission Standards for Hazardous Air Pollutants

This amendment updates 40 CFR part 61 subparts finalized between January 1, 2002 and June 30, 2003 previously adopted by reference. This includes a direct final amendment to subpart (FF) Benzene Waste Operations (67FR68526 and 68FR6082). The federal rulemaking adds an exemption for organic vapors routed to the fuel gas system, a new

compliance option for tanks and to clarify the standards for containers. These amendments will be explained in greater detail during the public hearing.

* **Missouri State Implementation Plan—NOx SIP Call Emissions Budget Demonstration for Missouri**

The EPA's NOx SIP call required states to submit a budget demonstration to ensure that the state would meet the NOx emissions budget that EPA developed during the calendar year 2007. This document describes the rulemaking process, emission inventory development, and authorities that Missouri is relying on to complete the requirements of the NOx SIP call.

July 21, 2005
Poplar Bluff, MO

ACTIONS FOR PUBLIC HEARING

- * 10 CSR 10-1.030 (new rule) Air Conservation Commission Appeals and Requests for Hearings

This proposed rule contains all procedural regulations for all contested cases heard by the commission or assigned to a hearing officer by the commission. The rule is a product of the Commissioner's Core Workgroup that was established to develop and recommend uniform policies and procedures to the state's environmental commissions for the conducting business on contested cases in a manner that promotes accessibility, transparency, predictability, consistency, and fairness to all affected parties.

- * 10 CSR 10-6.110 (amendment) Submission of Emission Data, Emission Fees and Process Information

This proposed amendment will establish the emission fee for Missouri facilities as required annually by 643.070 and 643.079, RSMo. The air emission fee for calendar year 2005 is proposed to be increased from \$33.00 to \$35.50 per ton of regulated air pollutant. Also, this proposed amendment will change the fee payment and Emissions Inventory Questionnaire submission date from April 1 to June 1 each year for United States Department of Labor Standard Industrial Classification 4911 Electric Services. All other United States Department of Labor Standard Industrial Classifications will continue to have the April 1 submission date each year.

ACTIONS TO BE VOTED ON:

- * Missouri State Implementation Plan—Update to Kansas City Maintenance Plan for Control of Ozone

This proposed update to the 2002 Kansas City Maintenance Plan for Control of Ozone incorporates references to the 8-hour National Ambient Air Quality Standards and associated control triggers. Information regarding historical background and monitoring data/locations has also been updated. This revision will be in place until a new 8-hour ozone maintenance plan can be developed to meet the U.S. Environmental Protection Agency June 15, 2007 deadline.

- * Missouri State Implementation Plan—Doe Run Herculaneum, Modification to Consent Judgement

On December 7, 2000, the Missouri Air Conservation Commission adopted a revision to the state implementation plan for the control of lead emissions at the Doe Run Herculaneum smelter. The plan included a Consent Judgement that set emission control construction deadlines, process throughput limitations, outlined a set of contingency measures, and established stipulated penalties with potential production cuts. The

Judgement was filed in Iron County Court and signed on January 5, 2001, and the plan was submitted to EPA on January 9, 2001, and formally approved on April 16, 2002.

The emission control strategy involved enclosure of the main processes at the plant, and the installation of building ventilation systems. The ventilation gases are filtered by state-of-the-art, high-efficiency baghouse filtration systems prior to release to the atmosphere. Capital costs were approximately \$12,000, 000. All of the emission control projects were completed by the deadline established in the Consent Judgement (July 31, 2002).

The Consent Judgement required the baghouses to meet a 0.022 grain per dry standard cubic foot performance standard, and it included language requiring the use of “Teflon membrane bags. Doe Run would like to replace these “Teflon membrane bags” with spun-bond pleated bags that have approximately twice the filter area. The Department of Natural Resources’ Air Pollution Control Program has been assured that the replacement bags will perform properly, and Doe Run will be required to conduct testing to demonstrate proper performance. The Consent Judgement must be modified to accommodate this change. The Consent Judgement has provisions for modification that simply require the parties to agree on the modification.

- * 10 CSR 10-2.390 (amendment) Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Laws

This proposed amendment will amend the state Kansas City transportation conformity rule to bring it into compliance with the recently amended federal transportation conformity rule.

- * 10 CSR 10-5.480 (amendment) Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Laws

This proposed amendment will amend the state St. Louis transportation conformity rule to bring it into compliance with the recently amended federal transportation conformity rule.

August 25, 2005
Jefferson City, MO

ACTIONS FOR PUBLIC HEARING

(None Scheduled)

ACTIONS TO BE VOTED ON:

- * 10 CSR 10-1.030 (new rule) Air Conservation Commission Appeals and Requests for Hearings

This proposed rule contains all procedural regulations for all contested cases heard by the commission or assigned to a hearing officer by the commission. The rule is a product of the Commissioner's Core Workgroup that was established to develop and recommend uniform policies and procedures to the state's environmental commissions for the conducting business on contested cases in a manner that promotes accessibility, transparency, predictability, consistency, and fairness to all affected parties.

- * 10 CSR 10-6.110 (amendment) Submission of Emission Data, Emission Fees and Process Information

This proposed amendment will establish the emission fee for Missouri facilities as required annually by 643.070 and 643.079, RSMo. The air emission fee for calendar year 2005 is proposed to be increased from \$33.00 to \$35.50 per ton of regulated air pollutant. Also, this proposed amendment will change the fee payment and Emissions Inventory Questionnaire submission date from April 1 to June 1 each year for United States Department of Labor Standard Industrial Classification 4911 Electric Services. All other United States Department of Labor Standard Industrial Classifications will continue to have the April 1 submission date each year.

PUBLIC HEARING ON
PROPOSED REVISION TO
THE MISSOURI STATE IMPLEMENTATION PLAN –
UPDATE TO KANSAS CITY MAINTENANCE PLAN FOR CONTROL OF OZONE

The Missouri Department of Natural Resources' Air Pollution Control Program is proposing to amend the Missouri State Implementation Plan (SIP). This proposed change to the SIP will update to the 2002 Kansas City Maintenance Plan for Control of Ozone in order to incorporate references to the 8-hour National Ambient Air Quality Standards and associated control triggers. Information regarding historical background and monitoring data/locations has also been updated. This revision will be in place until a new 8-hour ozone maintenance plan can be developed to meet the U.S. Environmental Protection Agency June 15, 2007 deadline.

The complete Missouri State Implementation Plan has not been reprinted in the briefing document due to its volume. The entire document is available for review at the Missouri Department of Natural Resources, Air Pollution Control Program, P.O. Box 176, Jefferson City, Missouri 65102-0176, or call (573) 751-7840.

If the commission adopts this plan action, it will be the department's intention to submit this plan action to the EPA to replace the current plan that is in the Missouri State Implementation Plan.

**PUBLIC HEARING ON
PROPOSED AMENDMENT TO**

10 CSR 10-5.480

**CONFORMITY TO STATE OR FEDERAL IMPLEMENTATION PLANS OF
TRANSPORTATION PLANS, PROGRAMS, AND PROJECTS DEVELOPED, FUNDED
OR APPROVED UNDER TITLE 23 U.S.C. OR THE FEDERAL TRANSIT LAWS**

This proposed amendment will amend original sections (1), (2), (7), (16) and original subsections (4)(B)–(4)(E), (5)(A), (5)(C), (5)(F), (6)(B), (6)(C), (9)(A)–(9)(D), (10)(A), and (15)(C); renumber and amend original sections (17)–(24), (25) and (27); renumber original section (26); add new subsections (9)(D), (9)(E), (9)(G)–(9)(L) and new section (17).

Original section (1) and subsection (10)(A) are being amended to streamline and improve existing conformity regulations.

Original section (2) is being amended to apply to emissions of additional criteria pollutants and precursor pollutants, add project approval and funding limitations, add grace period for new nonattainment areas, and reflect new section number reference.

Original section (7), subsections (6)(C), (9)(A), and (15)(C) are being amended to reflect new section number references.

Original section (16) is being amended to update criteria and procedures for localized CO and PM₁₀ violations (hot spots) and reflect new section number references.

Original subsections (4)(B)–(4)(E) are being amended to add and clarify transportation plan conformity determination requirements and reflect new section number references.

Original subsection (5)(A) is being amended to require interagency consultation procedures in the implementation plan.

Original subsection (5)(C) is being amended to add to interagency consultation procedures projects requiring PM₁₀ hot-spot analysis, conformity requirements for isolated rural nonattainment and maintenance areas, and reflect new section number references.

Original subsection (5)(F) is being amended to correct *Code of Federal Regulation* reference.

Original subsection (6)(B) is being amended to provide grace period for transportation plans in certain ozone and CO areas and reflect new section number reference.

Original subsection (9)(B) is being amended to update *Table 1. Conformity Criteria* and reflect new section number reference.

Original subsection (9)(C) is being amended to retain applicability of 1-hour ozone National Ambient Air Quality Standards (NAAQS) in nonattainment and maintenance areas until revocation of 1-hour ozone NAAQS for an area and reflect new section number references.

Original subsection (9)(D) is being renumbered and amended to add updated rule guidance for CO areas.

Original section (17) is being renumbered and amended to respond to court decision and reflect new section number references.

Original section (18) is being renumbered and amended to add requirements to satisfy interim emissions tests in areas without motor vehicle emissions budgets and reflect new section number references.

Original sections (19), (20), and (23) are being renumbered and amended to respond to court decision.

Original section (21) is being renumbered and amended to expand grace period, include PM_{2.5} emissions, clarify conformity determination requirements, and reflect new section number references.

Original section (22) is being renumbered and amended to add PM₁₀ to section title and reflect new section number reference.

Original sections (24) and (27) are being renumbered and amended to reflect new section number references.

Original section (25) is being renumbered and amended to make *Code of Federal Regulation* correction.

Original section (26) is being renumbered.

New subsections (9)(D), (9)(E), and (9)(I) are being added to provide transportation conformity rule guidance for new 8-hour ozone and PM_{2.5} NAAQS.

New subsections (9)(G), (9)(H), (9)(J), (9)(K), and (9)(L) are being added to provide rule guidance for PM₁₀ and NO₂ areas, limited maintenance areas, insignificant motor vehicle emissions, and isolated rural nonattainment and maintenance areas.

New section (17) is being added to provide criteria and procedures for compliance with PM₁₀ and PM_{2.5} control measures.

Title 10—DEPARTMENT OF NATURAL RESOURCES

Division 10—Air Conservation Commission

**Chapter 5—Air Quality Standards and Air Pollution
Control Rules Specific to the St. Louis Metropolitan Area**

PROPOSED AMENDMENT

10 CSR 10-5.480 Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Laws. The commission proposes to amend original sections (1), (2), (7) and (16), and original subsections (4)(B)–(4)(E), (5)(A), (5)(C), (5)(F), (6)(B), (6)(C), (9)(A)–(9)(D), (10)(A), (15)(C) and (16); renumber and amend original sections (17)–(24), (25) and (27); renumber original section (26); add new subsections (9)(D), (9)(E), (9)(G)–(9)(L) and new section (17). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources’ Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources’ Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/regagenda.htm.

*PURPOSE: This rule implements section 176(c) of the Clean Air Act (CAA), as amended (42 U.S.C. 7401 et seq.), and the related requirements of 23 U.S.C. 109(j), with respect to the conformity of transportation plans, programs, and projects which are developed, funded, or approved by the United States Department of Transportation (DOT), and by metropolitan planning organizations (MPOs) or other recipients of funds under Title 23 U.S.C. or the Federal Transit Laws (49 U.S.C. Chapter 53). This rule sets forth policy, criteria, and procedures for demonstrating and assuring conformity of such activities to the applicable implementation plan, developed pursuant to section 110 and Part D of the CAA. This rule applies to the St. Louis ozone nonattainment and carbon monoxide maintenance areas. This amendment will make several changes to the current rule requiring transportation plans, programs, and projects to conform to state air quality implementation plans. This amendment will adopt specific revisions to the Federal Transportation Conformity Rule as amended July 1, 2004. A Transportation Conformity State Implementation Plan (SIP) revision consistent with this federal amendment must be submitted to the U.S. Environmental Protection Agency (EPA) within twelve (12) months. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is the **Federal Register** Notice issued July 1, 2004, (Volume 69, Number 126 Pages 40003–40081) regarding Transportation Conformity Rule Amendments for the New 8-Hour Ozone and PM_{2.5} National Ambient Air Quality Standards.*

PURPOSE: This rule implements section 176(c) of the Clean Air Act (CAA), as amended (42 U.S.C. 7401 et seq.), and the related requirements of 23 U.S.C. 109(j), with respect to the conformity of transportation plans, programs, and projects which are developed, funded, or approved by the United States Department of Transportation (DOT), and by metropolitan planning organizations (MPOs) or other recipients of funds under Title 23 U.S.C. or the Federal Transit Laws (49 U.S.C. Chapter 53). This rule sets forth policy, criteria, and procedures for

*demonstrating and assuring conformity of such activities to the applicable implementation plan, developed pursuant to section 110 and Part D of the CAA. This rule applies to the St. Louis ozone **nonattainment** and carbon monoxide [~~nonattainment~~] **maintenance** areas.*

(1) Definitions.

- (A) Terms used but not defined in this rule shall have the meaning given them by the **Clean Air Act (CAA)**, Titles 23 and 49 **United States Code (U.S.C.)**, other United States Environmental Protection Agency (EPA) regulations, other **United States Department of Transportation (DOT)** regulations, or other state or local air quality or transportation rules, in that order of priority. Definitions for some terms used in this rule may be found in 10 CSR 10-6.020.
- (B) Additional definitions specific to this rule are as follows:
1. **One (1)-hour ozone National Ambient Air Quality Standard (NAAQS)—the one (1)-hour ozone national ambient air quality standard codified at 40 CFR 50.9;**
 2. **Eight (8)-hour ozone National Ambient Air Quality Standard (NAAQS)—the eight (8)-hour ozone national ambient air quality standard codified at 40 CFR 50.10;**
 - ~~[1-]~~3. Applicable implementation plan— defined in section 302(q) of the CAA, the portion (or portions) of the state implementation plan for ozone or carbon monoxide (**CO**), or most recent revision thereof, which has been approved under section 110, or promulgated under section 110(c), or promulgated or approved pursuant to regulations promulgated under section 301(d) and which implements the relevant requirements of the CAA;
 - ~~[2-]~~4. CAA—the Clean Air Act, as amended (42 U.S.C. 7401 et seq.);
 - ~~[3-]~~5. Cause or contribute to a new violation for a project—
 - A. To cause or contribute to a new violation of a standard in the area substantially affected by the project or over a region which would otherwise not be in violation of the standard during the future period in question, if the project were not implemented; or
 - B. To contribute to a new violation in a manner that would increase the frequency or severity of a new violation of a standard in such area;
 - ~~[4-]~~6. Clean data—air quality monitoring data determined by EPA to meet the requirements of 40 **Code of Federal Regulations (CFR)** part 58 that indicate attainment of the national ambient quality standard;
 - ~~[5-]~~7. Consultation—in the transportation conformity process, one (1) party confers with another identified party, provides all information to that party needed for meaningful input, and considers the views of that party and responds to those views in a timely, substantive written manner prior to any final decision on such action. Such views and written response shall be made part of the record of any decision or action;

- ~~[6.]~~ ~~Control strategy implementation plan revision—the implementation plan which contains specific strategies for controlling the emissions of and reducing ambient levels of pollutants in order to satisfy CAA requirements for demonstrations of reasonable further progress and attainment (CAA sections 182(b)(1), 182(c)(2)(A), 182(c)(2)(B), 187(a)(7), 189(a)(1)(B), and 189(b)(1)(A); and sections 192 (a) and 192(b), for nitrogen dioxide);]~~
- 8. Control strategy implementation plan revision—the implementation plan which contains specific strategies for controlling the emissions of and reducing ambient levels of pollutants in order to satisfy CAA requirements for demonstrations of reasonable further progress and attainment (including implementation plan revisions submitted to satisfy CAA sections 172(c), 182(b)(1), 182(c)(2)(A), 182(c)(2)(B), 187(a)(7), 187(g), 189(a)(1)(B), 189(b)(1)(A), and 189(d); sections 192(a) and 192(b), for nitrogen dioxide; and any other applicable CAA provision requiring a demonstration of reasonable further progress or attainment);**
- ~~[7.]~~**9.** Design concept—the type of facility identified by the project, e.g., freeway, expressway, arterial highway, grade-separated highway, reserved right-of-way rail transit, mixed traffic rail transit, exclusive busway, etc.;
- ~~[8.]~~**10.** Design scope—the design aspects which will affect the proposed facility's impact on regional emissions, usually as they relate to vehicle or person carrying capacity and control, e.g., number of lanes or tracks to be constructed or added, length of project, signalization, access control including approximate number and location of interchanges, preferential treatment for high-occupancy vehicles, etc.;
- 11. Donut areas—geographic areas outside a metropolitan planning area boundary, but inside the boundary of a nonattainment or maintenance area that contains any part of a metropolitan area(s). These areas are not isolated rural nonattainment and maintenance areas;**
- ~~[9.]~~**12.** DOT—the United States Department of Transportation;
- ~~[10.]~~**13.** EPA—the Environmental Protection Agency;
- ~~[11.]~~**14.** FHWA—the Federal Highway Administration of DOT;
- ~~[12.]~~**15.** FHWA/FTA project—for the purpose of this rule, any highway or transit project which is proposed to receive funding assistance and approval through the Federal-Aid Highway program or the Federal mass transit program, or requires Federal Highway Administration (FHWA) or Federal Transit Administration (FTA) approval for some aspect of the project, such as connection to an interstate highway or deviation from applicable design standards on the interstate system;

- [13-]16. Forecast period—with respect to a transportation plan, the period covered by the transportation plan pursuant to 23 CFR part 450;
- [14-]17. FTA—the Federal Transit Administration of DOT;
- [15-]18. Highway project—an undertaking to implement or modify a highway facility or highway-related program. Such an undertaking consists of all required phases necessary for implementation. For analytical purposes, it must be defined sufficiently to—
- A. Connect logical *termini* and be of sufficient length to address environmental matters on a broad scope;
 - B. Have independent utility or significance, i.e., be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made; and
 - C. Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements;
- [16-]19. Horizon year—a year for which the transportation plan describes the envisioned transportation system according to section (6) of this rule;
- [17-]20. Hot-spot analysis—an estimation of likely future localized **carbon monoxide (CO)** and **particulate matter (PM₁₀)** pollutant concentrations and a comparison of those concentrations to the national ambient air quality standard(s). Hot-spot analysis assesses impacts on a scale smaller than the entire nonattainment or maintenance area, including, for example, congested roadway intersections and highways or transit terminals, and uses an air quality dispersion model to determine the effects of emissions on air quality;
- [18-]21. Increase the frequency or severity—to cause a location or region to exceed a standard more often or to cause a violation at a greater concentration than previously existed and/or would otherwise exist during the future period in question, if the project were not implemented;
22. **Isolated rural nonattainment and maintenance areas—areas that do not contain or are not part of any metropolitan planning area as designated under the transportation planning regulations. Isolated rural areas do not have federally required metropolitan transportation plans or transportation improvement program (TIPs) and do not have projects that are part of the emissions analysis of any metropolitan planning organization's (MPO's) metropolitan transportation plan or TIP. Projects in such areas are instead included in statewide transportation improvement programs. These areas are not donut areas;**
- [19-]23. Lapse—the conformity determination for a transportation plan or transportation improvement program (TIP) has expired, and thus there is no currently conforming transportation plan and [transportation improvement program (TIP)];

24. **Limited maintenance plan**—a maintenance plan that EPA has determined meets EPA’s limited maintenance plan policy criteria for a given NAAQS and pollutant. To qualify for a limited maintenance plan, for example, an area must have a design value that is significantly below a given NAAQS, and it must be reasonable to expect that a NAAQS violation will not result from any level of future motor vehicle emissions growth;
- ~~[20.]~~25. Maintenance area—any geographic region of the United States previously designated nonattainment pursuant to the CAA Amendments of 1990 and subsequently redesignated to attainment subject to the requirement to develop a maintenance plan under section 175A of the CAA, as amended;
- ~~[21.]~~26. Maintenance plan—an implementation plan under section 175A of the CAA, as amended;
- ~~[22.]~~27. Metropolitan planning area—the geographic area in which the metropolitan transportation planning process required by 23 U.S.C. 134 and section 8 of the Federal Transit Act must be carried out;
- ~~[23.]~~28. Metropolitan planning organization (MPO)—that organization designated as being responsible, together with the state, for conducting the continuing, cooperative, and comprehensive planning process under 23 U.S.C. 134 and 49 U.S.C. 5303. It is the forum for cooperative transportation decision-making. The East-West Gateway Council of Governments is the MPO for the St. Louis metropolitan area and the organization responsible for conducting the planning required under section 174 of the CAA;
- ~~[24.]~~ ~~Milestone—the meaning given in sections 182(g)(1) and 189(c) of the CAA. A milestone consists of an emissions level and the date on which it is required to be achieved;]~~
29. **Milestone**—the meaning given in CAA sections 182(g)(1) and 189(c) for serious and above ozone nonattainment areas and PM₁₀ nonattainment areas, respectively. For all other nonattainment areas, a milestone consists of an emissions level and the date on which that level is to be achieved as required by the applicable CAA provision for reasonable further progress towards attainment;
- ~~[25.]~~30. Motor vehicle emissions budget— that portion of the total allowable emissions defined in the submitted or approved control strategy implementation plan revision or maintenance plan for a certain date for the purpose of meeting reasonable further progress milestones or demonstrating attainment or maintenance of the National Ambient Air Quality Standards (NAAQS), for any criteria pollutant or its precursors, allocated to highway and transit vehicle use and emissions. For purposes of meeting the conformity test required under sections ~~[(17)]~~(18) and/or ~~[(18)]~~(19) of this rule, the motor vehicle emissions budget in the applicable Missouri State Implementation Plan shall be combined with the motor vehicle

emissions budget for the same pollutant in the applicable Illinois State Implementation Plan;

- [26-]31. National ambient air quality standards (NAAQS)—those standards established pursuant to section 109 of the CAA;
- [27-]32. NEPA—the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.);
- [28-]33. NEPA process completion—for the purposes of this rule, with respect to FHWA or FTA, the point at which there is a specific action to make a determination that a project is categorically excluded, to make a Finding of No Significant Impact, or to issue a record of decision on a Final Environmental Impact Statement under NEPA;
- [29-]34. Nonattainment area—any geographic region of the United States which has been designated as nonattainment under section 107 of the CAA for any pollutant for which a national ambient air quality standard exists;
- [30-]35. Not classified area—any carbon monoxide (CO) nonattainment area which EPA has not classified as either moderate or serious;
- [31-]36. Project—a highway project or transit project;
- [32-]37. Protective finding—a determination by EPA that a submitted control strategy implementation plan revision contains adopted control measures or written commitments to adopt enforceable control measures that fully satisfy the emissions reductions requirements to the statutory provision for which the implementation plan revision was submitted, such as reasonable further progress or attainment;
- [33-]38. Recipient of funds designated under Title 23 U.S.C. or the Federal Transit Laws—any agency at any level of state, county, city, or regional government that routinely receives Title 23 U.S.C. or Federal Transit Laws funds to construct FHWA/FTA projects, operate FHWA/FTA projects or equipment, purchase equipment, or undertake other services or operations via contracts or agreements. This definition does not include private landowners or developers, or contractors or entities that are only paid for services or products created by their own employees;
- [34-]39. Regionally significant project—a transportation project (other than an exempt project) that is on a facility which serves regional transportation needs (such as access to and from the area outside of the region, major activity centers in the region, major planned developments such as new retail malls, sports complexes, etc., or transportation terminals, as well as most terminals themselves) and would normally be included in the modeling of a metropolitan area's transportation network, including at a minimum: all principal arterial highways and all fixed guideway transit facilities that offer an alternative to regional highway travel;

- [35-]40. Safety margin—the amount by which the total projected emissions from all sources of a given pollutant are less than the total emissions that would satisfy the applicable requirement for reasonable further progress, attainment, or maintenance;
- [36-]41. Standard—a national ambient air quality standard;
- [37-]42. Statewide transportation improvement program (STIP)—a staged, multiyear, intermodal program of transportation projects which is consistent with the statewide transportation plan and planning processes and metropolitan transportation plans, TIPs and processes, developed pursuant to 23 CFR part 450;
- [38-]43. Statewide transportation plan—the official statewide, intermodal transportation plan that is developed through the statewide transportation planning process, pursuant to 23 CFR part 450;
- [39-]44. Transit—mass transportation by bus, rail, or other conveyance which provides general or special service to the public on a regular and continuing basis. It does not include school buses or charter or sightseeing services;
- [40-]45. Transit project—an undertaking to implement or modify a transit facility or transit-related program; purchase transit vehicles or equipment; or provide financial assistance for transit operations. It does not include actions that are solely within the jurisdiction of local transit agencies, such as changes in routes, schedules, or fares. It may consist of several phases. For analytical purposes, it must be defined inclusively enough to—
- A. Connect logical *termini* and be of sufficient length to address environmental matters on a broad scope;
 - B. Have independent utility or independent significance, i.e., be a reasonable expenditure even if no additional transportation improvements in the area are made; and
 - C. Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements;
- [41-]46. Transportation control measure (TCM)—any measure that is specifically identified and committed to in the applicable implementation plan that is either one (1) of the types listed in section 108 of the CAA, or any other measure for the purpose of reducing emissions or concentrations of air pollutants from transportation sources by reducing vehicle use or changing traffic flow or congestion conditions. Notwithstanding the first sentence of this definition, vehicle technology-based, fuel-based, and maintenance-based measures which control the emissions from vehicles under fixed traffic conditions are not TCMs for the purposes of this rule;
- [42-]47. Transportation improvement program (TIP)—a staged, multiyear, intermodal program of transportation projects covering a metropolitan planning area which is consistent with the

metropolitan transportation plan, and developed pursuant to 23 CFR part 450;

[43-]48. Transportation plan—the official intermodal metropolitan transportation plan that is developed through the metropolitan planning process for the metropolitan planning area, developed pursuant to 23 CFR part 450;

[44-]49. Transportation project—a highway project or a transit project; and

[45-]50. Written commitment—for the purposes of this rule, a written commitment that includes a description of the action to be taken; a schedule for the completion of the action; a demonstration that funding necessary to implement the action has been authorized by the appropriating or authorizing body; and an acknowledgement that the commitment is an enforceable obligation under the applicable implementation plan.

(2) Applicability.

(A) Action Applicability.

1. Except as provided for in subsection (2)(C) or section [~~(25)~~](26), conformity determinations are required for—
 - A. The adoption, acceptance, approval or support of transportation plans and transportation plan amendments developed pursuant to 23 CFR part 450 or 49 CFR part 613 by a MPO or DOT;
 - B. The adoption, acceptance, approval or support of TIPs and TIP amendments developed pursuant to 23 CFR part 450 or 49 CFR part 613 by a MPO or DOT; and
 - C. The approval, funding, or implementation of FHWA/FTA projects.
2. Conformity determinations are not required under this rule for individual projects which are not FHWA/FTA projects. However, section [~~(20)~~](21) applies to such projects if they are regionally significant.

(B) Geographic Applicability. The provisions of this rule shall apply in the Franklin, Jefferson, St. Charles and St. Louis Counties and the City of St. Louis nonattainment area for transportation-related criteria pollutants for which the area is designated nonattainment.

1. The provisions of this rule apply with respect to the emissions of the following criteria pollutants: ozone [~~and~~], carbon monoxide (CO) (The provisions of this rule shall apply in St. Louis City and that portion of St. Louis County extending north, south and west from the St. Louis City/County boundary to Interstate 270 for CO emissions), **nitrogen dioxide (NO₂)**, **particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM₁₀)**; and **particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers (PM_{2.5})**.

2. The provisions of this rule **also** apply with respect to emissions of the following precursor pollutants: ~~[volatile organic compounds (VOC) and nitrogen oxides (NO_x) in ozone areas; and]~~
 - A. **Volatile organic compounds (VOC) and nitrogen oxides (NO_x) in ozone areas;**
 - B. **NO_x in NO₂ areas; and**
 - C. **VOC and/or NO_x in PM₁₀ areas if the EPA regional administrator or the director of the state air agency has made a finding that transportation-related emissions of one (1) or both of these precursors within the nonattainment area are a significant contributor to the PM₁₀ nonattainment problem and has so notified the MPO and DOT, or if applicable implementation plan (or implementation plan submission) establishes an approved (or adequate) budget for such emissions as part of the reasonable further progress, attainment or maintenance strategy.**
3. **The provisions of this rule apply to PM_{2.5} nonattainment and maintenance areas with respect to PM_{2.5} from re-entrained road dust if the EPA regional administrator or the director of the state air agency has made a finding that re-entrained road dust emissions within the area are a significant contributor to the PM_{2.5} nonattainment problem and has so notified the MPO and DOT, or if the applicable implementation plan (or implementation plan submission) includes re-entrained road dust in the approved (or adequate) budget as part of the reasonable further progress, attainment or maintenance strategy. Re-entrained road dust emissions are produced by travel on paved and unpaved roads (including emissions from anti-skid and deicing materials).**
- ~~[3.]~~4. The provisions of this rule apply to the Franklin, Jefferson, St. Charles and St. Louis Counties and the City of St. Louis nonattainment area for twenty (20) years from the date EPA approves the area's request under section 107(d) of the CAA for redesignation to attainment, unless the applicable implementation plan specifies that the provisions of this rule shall apply for more than twenty (20) years.

(C) **Limitations. In order to receive any FHWA/FTA approval or funding actions, including NEPA approvals, for a project phase subject to this subpart, a currently conforming transportation plan and TIP must be in place at the time of project approval as described in section 14, except as provided by subsection (14)(B).**

1. Projects subject to this rule for which the NEPA process and a conformity determination have been completed by DOT may proceed toward implementation without further conformity determinations unless more than three (3) years have elapsed since

the most recent major step (NEPA process completion; start of final design; acquisition of a significant portion of the right-of-way; or approval of the plans, specifications and estimates) occurred. All phases of such projects which were considered in the conformity determination are also included, if those phases were for the purpose of funding final design, right-of-way acquisition, construction, or any combination of these phases.

2. A new conformity determination for the project will be required if there is a significant change in project design concept and scope, if a supplemental environmental document for air quality purposes is initiated, or if three (3) years have elapsed since the most recent major step to advance the project occurred.

- (D) Grace period for new nonattainment areas. For areas or portions of areas which have been continuously designated attainment or not designated for any ~~[standard]~~NAAQS for ozone, CO, PM₁₀, **PM_{2.5}** or NO₂ since 1990 and are subsequently redesignated to nonattainment or designated nonattainment for any ~~[standard]~~NAAQS for any of these pollutants, the provisions of this rule shall not apply with respect to that ~~[standard]~~NAAQS for twelve (12) months following the effective date of final designation to nonattainment for each ~~[standard]~~NAAQS for such pollutant.

- (3) Priority. When assisting or approving any action with air quality-related consequences, FHWA and FTA shall give priority to the implementation of those transportation portions of an applicable implementation plan prepared to attain and maintain the NAAQS. This priority shall be consistent with statutory requirements for allocation of funds among states or other jurisdictions.

- (4) Frequency of Conformity Determinations.

- (A) Conformity determinations and conformity redeterminations for transportation plans, TIPs, and FHWA/FTA projects must be made according to the requirements of this section and the applicable implementation plan.

- (B) Frequency of Conformity Determinations for Transportation Plans.

1. Each new transportation plan must be demonstrated to conform before the transportation plan is approved by the MPO or accepted by DOT.
2. All transportation plan revisions must be found to conform before the transportation plan revisions are approved by the MPO or accepted by DOT, unless the revision merely adds or deletes exempt projects listed in sections ~~[(25)]~~**(26)** and ~~[(26)]~~**(27)** and has been made in accordance with the notification provisions of subparagraph (5)(C)1.E. of this rule. The conformity determination must be based on the transportation plan and the revision taken as a whole.
3. The MPO and DOT must determine the conformity of the transportation plan **(including a new regional emissions analysis)** no less frequently than every three (3) years. If more than three (3)

years elapse after DOT's conformity determination without the MPO and DOT determining conformity of the transportation plan, the existing conformity determination will lapse.

- (C) Frequency of Conformity Determinations for Transportation Improvement Programs.
1. A new TIP must be demonstrated to conform before the TIP is approved by the MPO or accepted by DOT. The conformity determination must be completed in accordance with paragraph (5)(A)1. of this rule.
 2. A TIP amendment requires a new conformity determination for the entire TIP before the amendment is approved by the MPO or accepted by DOT, unless the amendment merely adds or deletes exempt projects listed in section [(25)](26) or section [(26)](27) and has been made in accordance with the notification provisions of subparagraph (5)(C)1.E. of this rule. Any new conformity determination for a TIP amendment must be completed in accordance with paragraph (5)(A)1. of this rule.
 3. The MPO and DOT must determine the conformity of the TIP **(including a new regional emissions analysis)** no less frequently than every three (3) years. If more than three (3) years elapse after DOT's conformity determination without the MPO and DOT determining conformity of the TIP, the existing conformity determination will lapse.
 - ~~4. After the MPO adopts a new or revised transportation plan, conformity of the TIP must be redetermined by the MPO and DOT within six (6) months from the date of DOT's conformity determination for the transportation plan, unless the new or revised plan merely adds or deletes exempt projects listed in sections (25) and (26) and has been made in accordance with the notification provisions of subparagraph (5)(C)1.E. of this rule. Otherwise, the existing conformity determination for the TIP will lapse.]~~
- (D) Projects. FHWA/FTA projects must be found to conform before they are adopted, accepted, approved, or funded. Conformity must be redetermined for any FHWA/FTA project if **one (1) of the following occurs: a significant change in the project's design concept and scope;** three (3) years [have] elapse[d] since the most recent major step to advance the project; **or initiation of a supplemental environmental document for air quality purposes. Major steps include** [(NEPA process completion; start of final design; acquisition of a significant portion of the right-of-way; **and, construction (including federal** [of] approval of [the] plans, specifications and estimates) [occurred].
- (E) Triggers for Transportation Plan and TIP Conformity Determinations. Conformity of existing transportation plans and TIPs must be redetermined within eighteen (18) months of the following, or the existing conformity determination will lapse, and no new project-level conformity determinations

may be made until conformity of the transportation plan and TIP has been determined by the MPO and DOT—

[1. ~~November 24, 1993;~~]

[2.]1. The effective date of EPA's finding that motor vehicle emissions budgets from an initially submitted control strategy **[implementation]** plan or maintenance plan are adequate pursuant to subsection ~~[(17)]~~(18)(E) and can be used for transportation conformity purposes;

[3.]2. **The effective date of EPA approval of a control strategy implementation plan revision or maintenance plan which establishes or revises a motor vehicle emissions budget if that budget has not yet been used in a conformity determination prior to approval; and**

[4. ~~EPA approval of an implementation plan revision that adds, deletes, or changes TCMs; and]~~

[5.]3. **The effective date of EPA promulgation of an implementation plan which establishes or revises a motor vehicle budget** ~~[or adds, deletes, or changes TCMs].~~

(5) Consultation.

(A) General. Procedures for interagency consultation (federal, state and local), resolution of conflicts, and public consultation are described in subsections (A) through (F) of this section. Public consultation procedures meet the requirements for public involvement in 23 CFR part 450.

1. **The implementation plan revision required shall include procedures for interagency consultation (federal, state, and local), resolution of conflicts, and public consultation as described in subsections (A) through (E) of this section. Public consultation procedures will be developed in accordance with the requirements for public involvement in 23 CFR part 450.**

[1.]2. MPOs and state departments of transportation will provide reasonable opportunity for consultation with state air agencies, local air quality and transportation agencies, DOT, and EPA, including consultation on the issues described in paragraph (C)1. of this section, before making conformity determinations.

(B) Interagency Consultation Procedures—General Factors.

1. Representatives of the MPO, state and local air quality planning agencies, state and local transportation agencies shall undertake an interagency consultation process in accordance with this section with each other and with local or regional offices of the EPA, FHWA and FTA on the development of the implementation plan, the list of TCMs in the applicable implementation plan, the unified planning work program under 23 CFR section 450.314, the transportation plan, the TIP, and any revisions to the preceding documents.

2. The state air quality agency shall be the lead agency responsible for preparing the final document or decision and for assuring the adequacy of the interagency consultation process as required by this section with respect to the development of the applicable implementation plans and control strategy implementation plan revisions and the list of TCMs in the applicable implementation plan. The MPO shall be the lead agency responsible for preparing the final document or decision and for assuring the adequacy of the interagency consultation process as required by this section with respect to the development of the unified planning work program under 23 CFR section 450.314, the transportation plan, the TIP, and any amendments or revisions thereto. The MPO shall also be the lead agency responsible for preparing the final document or decision and for assuring the adequacy of the interagency consultation process as required by this section with respect to any determinations of conformity under this rule for which the MPO is responsible.
3. In addition to the lead agencies identified in paragraph (5)(B)2., other agencies entitled to participate in any interagency consultation process under this rule include:
 - A. The Illinois Department of Transportation, the Missouri Department of Transportation, the Federal Highway Administration, the Federal Transit Administration, the U.S. Environmental Protection Agency, the Illinois Environmental Protection Agency and the Missouri Department of Natural Resources;
 - B. Local transportation agencies through the appointment of one (1) representative from local transportation agency interests on the Illinois side of the St. Louis area and the appointment of one (1) representative from local transportation agency interests on the Missouri side of the St. Louis area. The MPO and the Illinois Department of Transportation shall jointly appoint the Illinois representative, and the MPO and Missouri Department of Transportation shall jointly appoint the Missouri representative;
 - C. Local air quality agencies through the appointment of one (1) representative from each of the two (2) local air quality agencies. The MPO and the Missouri Department of Natural Resources shall jointly appoint the local air quality agency representatives; and
 - D. Local mass transit agencies through the appointment of one (1) representative from local mass transit agency interests on the Illinois side of the St. Louis area and the appointment of one (1) representative from local mass transit agency interests on the Missouri side of the St. Louis area. The

MPO and the Illinois Department of Transportation shall jointly appoint the Illinois representative, and the MPO and Missouri Department of Transportation shall jointly appoint the Missouri representative;

E. Nothing in this paragraph shall preclude the authority of the lead agency listed in paragraph (5)(B)2. to involve additional agencies in the consultation process which are directly impacted by any project or action subject to this rule;

F. Representatives appointed under subparagraphs (5)(B)3.B., C., D., or E. shall not come from an agency already represented as a consulting agency under this section.

4. It shall be the responsibility of the appropriate lead agency designated in paragraph (5)(B)2. to solicit early and continuing input from all other consulting agencies, to provide those agencies with all relevant information needed for meaningful input and, where appropriate, to assure policy-level contact with those agencies. The lead agency shall, at a minimum, provide opportunities for discussion and comment in accordance with the interagency consultation procedures detailed in this section. The lead agency shall consider the views of each other consulting agency prior to making a final decision, shall respond in writing to those views and shall assure that such views and response (or where appropriate a summary thereof) are made part of the record of any decision or action.

5. It shall be the responsibility of each agency listed in paragraph (5)(B)3. (other than the lead agency designated under paragraph (5)(B)2.) to confer with the lead agency and the other participants in the consultation process, to review and make relevant comment on all proposed and final documents and decisions in a timely manner and to attend consultation and decision meetings. To the extent requested by the lead agency or other agencies involved, or as required by other provisions of this rule, each agency shall provide timely input on any area of substantive expertise or responsibility (including planning assumptions, modeling, information on status of TCM implementation, and interpretation of regulatory or other requirements), and shall comply with any reasonable request to render such technical assistance to the lead agency as may be needed to support the development of the document or decision.

6. For documents or decisions subject to this rule for which the MPO is the designated lead agency, the MPO shall, through the regular meetings of its board of directors and committees, be the primary forum for discussion at the policy level. The MPO shall ensure that all consulting agencies are provided with opportunity to participate throughout the decision-making process including the early planning stages. The MPO shall modify or supplement its normal

schedule of meetings, if needed, to provide adequate opportunity for discussion of the matters subject to this rule.

7. It shall be the responsibility of the lead agency designated under paragraph (5)(B)2. to initiate the consultation process by notifying other consulting agencies of the following:
 - A. The decision(s) or document(s) for which consultation is being undertaken; and
 - B. The proposed planning or programming process for the development of the decision(s) or document(s). The proposed planning or programming process shall include at a minimum:
 - (I) The roles and responsibilities of each agency at each stage in the planning process, including technical as well as policy aspects;
 - (II) The organizational level of regular consultation;
 - (III) The proposed schedule of, or process for convening, consultation meetings, including the process and assignment of responsibilities for selecting a chairperson and setting meeting agendas;
 - (IV) The process for circulating or otherwise making available all relevant materials in a timely fashion at each stage in the consultation process, and in particular for circulating or otherwise making available drafts of proposed documents or decisions before formal adoption or publication;
 - (V) The process and assignment of responsibility for maintaining an adequate record of the consultation process; and
 - (VI) The process for responding to the significant comments of involved agencies;
 - C. The consultation planning and programming process to be followed for each document or decision subject to this rule shall be determined by consensus among the consulting agencies and shall thereafter be binding on all parties until such time as it may be revised by consensus among the consulting agencies.
8. All drafts and supporting materials subject to consultation shall be provided at such level of detail as each consulting agency may need to determine its response. Any consulting agency may request, and the appropriate lead agency shall supply, supplemental information as is reasonably available for the consulting agency to determine its response.
9. The time allowed at each stage in the consultation process shall not be less than that specified by regulation or this rule, published by the lead agency in any document describing the consultation procedures to be followed under 23 CFR part 450, 40 CFR part 51

or this rule, or otherwise previously agreed by consensus of the consulting agencies. Where no such time has been specified, published or agreed to, the time shall be determined by consensus of the consulting agencies based upon the amount of material subject to consultation, the extent of prior informal or technical consultation and discussion, the nature of the decision to be made, and such other factors as are previously agreed by the consulting agencies. The time allowed for consultation shall be the same for all agencies being consulted, and any extension of time granted to one (1) agency shall also be allowed all other agencies.

10. Determining the adequacy of consultation opportunities.

- A. Representatives of the consulting agencies listed in paragraph (5)(B)3. shall meet once each calendar year for the purpose of reviewing the sequence and adequacy of the consultation planning and programming processes established or proposed under paragraph (5)(B)7. for each type of document or decision. Responsibility for convening this meeting shall rest with the appropriate lead agency designated in paragraph (5)(B)2.
- B. In any year (other than the first after the adoption of this rule) in which there is an agreed upon consultation planning or programming process in effect and no consulting agency has requested any change to that process, the appropriate lead agency may propose that this process remain in effect. Upon notification of acceptance of this proposal by all consulting agencies, no further action by the lead agency shall be required and the meeting and review required under subparagraph (5)(B)10.A. need not take place for that year.

11. The consultation planning and programming processes proposed and agreed to under paragraph (5)(B)7. shall comply with the following general principles:

- A. Consultation shall be held early in the planning process, so as to facilitate sharing of information needed for meaningful input and to allow the consulting agencies to confer with the lead agency during the formative stages of developing any document or decision subject to this rule;
- B. For conformity determinations for transportation plan revisions or TIPs, the consultation process shall, at a minimum, specifically include opportunities for the consulting agencies to confer upon the analysis required to make conformity determinations. This consultation shall normally take place at the technical level, except to the extent agreed by consensus under paragraph (5)(B)10., and shall take place prior to the consideration of draft documents or conformity determinations by the MPO;

- C. For state implementation plans, the consultation process shall, at a minimum, specifically include opportunities for the consulting agencies to confer upon the motor vehicle emissions budget. This consultation shall take place at the technical and policy levels, except to the extent agreed by consensus under paragraph (5)(B)10., and shall take place prior to the consideration of the draft budget by the state air quality agency;
 - D. In addition to the requirements of subparagraphs (5)(B)11.B. and C., if TCMs are to be considered in transportation plans, TIPs or state implementation plans, specific opportunities to consult regarding TCMs by air quality and transportation agencies must be provided prior to the consideration of the TCMs by the appropriate lead agency; and
 - E. Additional consultation opportunities must be provided prior to any final action being taken by any of the lead agencies defined in paragraph (5)(B)2. on any document or decision subject to this rule. Before taking formal action to approve any plan, program, document or other decision subject to this rule, the consulting agencies shall be given an opportunity to communicate their views in writing to the lead agency. The lead agency shall consider those views and respond in writing in a timely and appropriate manner prior to any final action. Such views and written response shall be made part of the record of the final decision or action. Opportunities for formal consulting agency comment may run concurrently with other public review time frames.
12. Consultation on planning assumptions.
- A. The MPO shall convene a meeting of the consulting agencies listed in paragraph (5)(B)3. no less frequently than once each calendar year for the purpose of reviewing the planning, transportation and air quality assumptions, and models and other technical procedures in use or proposed to be used for the state implementation plan (SIP) motor vehicle emissions inventory, motor vehicle emissions budget, and conformity determinations. This meeting shall normally take place at the technical level except to the extent agreed by consensus under paragraph (5)(B)10.
 - B. In all years when it is intended to determine the conformity of a transportation plan revision or TIP, the meeting required in subparagraph (5)(B)12.A. shall be held before the MPO commences the evaluation of projects submitted or proposed for inclusion in the transportation plan revision or TIP, and before the annual public meeting held in accordance with 23 CFR section 450.322(c). The MPO shall consider the views of all consulting agencies before making

- a decision on the latest planning assumptions to be used for conformity determinations. The state air quality agencies shall consider the views of all consulting agencies before making a decision on the latest planning assumptions to be used for developing the SIP motor vehicle emissions inventory, motor vehicle emissions budget and for estimating the emissions reductions associated with TCMs.
- C. It shall be the responsibility of each of the consulting agencies to advise the MPO of any pending changes to their planning assumptions or methods and procedures used to estimate travel, forecast travel demand, or estimate motor vehicle emissions. Where necessary the MPO shall convene meetings, additional to that required under subparagraph (5)(B)12.A., to share information and evaluate the potential impacts of any proposed changes in planning assumptions, methods or procedures and to exchange information regarding the timetable and scope of any upcoming studies or analyses that may lead to future revision of planning assumptions, methods or procedures.
- D. Whenever a change in air quality or transportation planning assumptions, methods or procedures is proposed that may have a significant impact on the SIP motor vehicle emissions inventory, motor vehicle emissions budget or conformity determinations, the agency proposing the change shall provide the consulting agencies an opportunity to review the basis for the proposed change. All consulting agencies shall be given at least thirty (30) days to evaluate the impact of the proposed change prior to final action by the agency proposing the change. To the fullest extent practicable, the time frame for considering and evaluating proposed changes shall be coordinated with the procedures for consultation on planning assumptions in subparagraphs (5)(B)12.A.–C.
13. A meeting that is scheduled or required for another purpose may be used for the purposes of consultation if the consultation purpose is identified in the public notice for the meeting and all consulting agencies are notified in advance of the meeting.
14. On any matter which is the subject of consultation, no consulting agency may make a final decision or move to finally approve a document subject to this rule until the expiry of the time allowed for consultation and the completion of the process notified under paragraph (5)(B)7. Notwithstanding the previous sentence, any consulting agency may make a final decision or move to finally approve a document subject to this rule if final comments on the draft document or decision have been received from all other consulting agencies. The lead agency designated under paragraph

(5)(B)2. shall, in making its decision, take account of all views expressed in response to consultation.

- (C) Interagency Consultation Procedures—Specific Processes. Interagency consultation procedures shall also include the following specific processes:
1. An interagency consultation process in accordance with subsection (5)(B) of this rule involving the MPO, state and local air quality planning agencies, state and local transportation agencies, the EPA and the DOT shall be undertaken for the following (except where otherwise provided, the MPO shall be responsible for initiating the consultation process):
 - A. Evaluating and choosing a model (or models) and associated methods and assumptions to be used in hot-spot analyses and regional emissions analyses;
 - B. Determining which minor arterials and other transportation projects should be considered “regionally significant” for the purposes of regional emissions analysis (in addition to those functionally classified as principal arterial or higher or fixed guideway systems or extensions that offer an alternative to regional highway travel), and which projects should be considered to have a significant change in design concept and scope from the transportation plan or TIP;
 - C. Evaluating whether projects otherwise exempted from meeting the requirements of this rule under sections ~~[(25)](26)~~ and ~~[(26)](27)~~ should be treated as nonexempt in cases where potential adverse emissions impacts may exist for any reason;
 - D. Making a determination, required by paragraph (13)(C)1., whether past obstacles to implementation of TCMs which are behind the schedule established in the applicable implementation plan have been identified and are being overcome, and whether state and local agencies with influence over approvals or funding for TCMs are giving maximum priority to approval or funding for TCMs over other projects within their control. This process shall also consider whether delays in TCM implementation necessitate revisions to the applicable implementation plan to remove TCMs or substitute TCMs or other emission reduction measures;
 - E. Notification of transportation plan or TIP revisions or amendments which merely add or delete exempt projects listed in section ~~[(25)](26)~~ or section ~~[(26)](27)~~. In any year when it is intended to prepare a transportation plan revision, TIP or TIP amendment that merely adds or deletes exempt projects, the MPO shall notify all consulting agencies in writing within seven (7) calendar days after taking action to approve such exempt projects. The notification shall

include enough information about the exempt projects for the consulting agencies to determine their agreement or disagreement that the projects are exempt under section ~~[(25)](26)~~ or section ~~[(26)](27)~~ of this rule;

- F. Determining whether a project is considered to be included in the regional emissions analysis supporting the currently conforming TIP's conformity determination, even if the project is not strictly included in the TIP for the purposes of MPO project selection or endorsement, and whether the project's design concept and scope have not changed significantly from those which were included in the regional emissions analysis, or in a manner which would significantly impact use of the facility;
- G. Advising on the horizon years to be used for conformity determinations, in accordance with section (6) of this rule;
- H. Advising whether the modeling methods and functional relationships used in the model are consistent with acceptable professional practice and are reasonable for the purposes of emission estimation, as specified in section ~~[(21)](22)~~ of this rule;
- I. Reviewing the models, databases and other requirements specified in section ~~[(22)](23)~~ of this rule and advising if there are grounds for recommending to the EPA regional administrator that these models, databases or requirements are inappropriate. In such an event, the consulting agencies shall propose alternative methods to satisfy the requirements for conformity in accordance with section ~~[(22)](23)~~;
- J. Determining what forecast of vehicle miles traveled to use in establishing or tracking motor vehicle emissions budgets, developing transportation plans, TIPs or applicable implementation plans, or in making conformity determinations;
- K. Determining whether the project sponsor or the MPO has demonstrated that the requirements of sections (16)–~~[(18)](19)~~ are satisfied without a particular mitigation or control measure, as provided in section ~~[(24)](25)~~; ~~and~~
- L. Developing a list of TCMs to be included in the applicable implementation plan;
- M. **Identifying, as required by subsection (23)(B), projects located at sites in PM₁₀ nonattainment areas which have vehicle and roadway emission and dispersion characteristics which are essentially identical to those at sites which have violations verified by monitoring, and therefore require quantitative PM₁₀ hot-spot analysis; and**

N. Choosing conformity tests and methodologies for isolated rural nonattainment and maintenance areas, as required by paragraph (9)(L)2;

2. An interagency consultation process in accordance with subsection (5)(B) involving the MPO, state and local air quality planning agencies and state and local transportation agencies for the following (except where otherwise provided, the MPO shall be responsible for initiating the consultation process):
 - A. Evaluating events which will trigger new conformity determinations in addition to those triggering events established in section (4). Any of the consulting agencies listed in paragraph (5)(B)3. may request that the MPO initiate the interagency consultation process to evaluate an event which should, in the opinion of the consulting agency, trigger a need for a conformity determination. The MPO shall initiate appropriate consultation with the other consulting agencies in response to such request, and shall notify the consulting agencies and the requesting agency in writing of its proposed action in response to this evaluation and consultation; and
 - B. Consulting on the procedures to be followed in performing emissions analysis for transportation activities which cross the borders of the MPO's region or the St. Louis nonattainment area or air basin;
3. Consultation on nonfederal projects.
 - A. An interagency consultation process in accordance with subsection (5)(B) involving the MPO, state and local air quality agencies and state and local transportation agencies shall be undertaken to ensure that plans for construction of regionally significant projects which are not FHWA/FTA projects (including projects for which alternative locations, design concept and scope, or the no-build option are still being considered), including all those by recipients of funds designated under 23 U.S.C. or the Federal Transit Laws, are disclosed to the MPO on a regular basis, and to assure that any changes to those plans are immediately disclosed.
 - B. Notwithstanding the provisions of subparagraph (5)(C)3.A., it shall be the responsibility of the sponsor of any such regionally significant project, and of any agency that becomes aware of any such project through applications for approval, permitting or funding, to disclose such project to the MPO in a timely manner. Such disclosure shall be made not later than the first occasion on which any of the following actions is sought: any policy board action necessary for the project to proceed, the issuance of administrative permits for the facility or for construction of

the facility, the execution of a contract to design or construct the facility, the execution of any indebtedness for the facility, any final action of a board, commission or administrator authorizing or directing employees to proceed with design, permitting or construction of the project, or the execution of any contract to design or construct or any approval needed for any facility that is dependent on the completion of the regionally significant project.

- C. Any such regionally significant project that has not been disclosed to the MPO in a timely manner shall be deemed not to be included in the regional emissions analysis supporting the conformity determination for the TIP and shall not be consistent with the motor vehicle emissions budget in the applicable implementation plan, for the purposes of section ~~[(20)]~~(21) of this rule.
 - D. For the purposes of this section and of section ~~[(20)]~~(21) of this rule, the phrase adopt or approve of a regionally significant project means the first time any action necessary to authorizing a project occurs, such as any policy board action necessary for the project to proceed, the issuance of administrative permits for the facility or for construction of the facility, the execution of a contract to construct the facility, any final action of a board, commission or administrator authorizing or directing employees to proceed with construction of the project, or any written decision or authorization from the MPO that the project may be adopted or approved;
- 4. This interagency consultation process involving the agencies specified in paragraph (5)(B)3. shall be undertaken for assuming the location and design concept and scope of projects which are disclosed to the MPO as required by paragraph (5)(C)3. but whose sponsors have not yet decided these features in sufficient detail to perform the regional emissions analysis according to the requirements of section ~~[(21)]~~(22) of this rule. This process shall be initiated by the MPO;
 - 5. The MPO shall undertake an on-going process of consultation with the agencies listed in paragraph (5)(B)3. for the design, schedule, and funding of research and data collection efforts and regional transportation model development by the MPO. This process shall, as far as practicable, be integrated with the cooperative development of the Unified Planning Work Program under 23 CFR section 450.314; and
 - 6. This process insures providing final documents (including applicable implementation plans and implementation plan revisions) and supporting information to each agency after approval

or adoption. This process is applicable to all agencies described in paragraph (A)1. of this section, including federal agencies.

- (D) Record Keeping and Distribution of Final Documents.
 - 1. It shall be the responsibility of the lead agency designated under paragraph (5)(B)2. to maintain a complete and accurate record of all agreements, planning and programming processes, and consultation activities required under this rule and to make these documents available for public inspection upon request.
 - 2. It shall be the affirmative responsibilities of the lead agency designated under paragraph (5)(B)2. to provide to the other consulting agencies copies of any final document or final decision subject to this rule within thirty (30) days of final action by the lead agency.
- (E) Resolving Conflicts.
 - 1. Conflicts among state agencies or between state agencies and the MPO regarding a final action on any conformity determination subject to this rule shall be escalated to the governor if the conflict cannot be resolved by the heads of the involved agencies. Such agencies shall make every effort to resolve any differences, including personal meetings between the heads of such agencies or their policy-level representatives, to the extent possible.
 - 2. It shall be the responsibility of the state air quality agency to provide timely notification to the MPO and other consulting agencies of any proposed conformity determination where the agency identifies a potential conflict which, if unresolved, would, in the opinion of the agency, justify escalation to the governor. To the extent that consultation is not otherwise required under this rule, the state air quality agency shall consult with the other agencies listed in paragraph (5)(B)3. in advance of escalating a potential conflict to the governor, and, if necessary, shall convene the meetings required under paragraph (5)(E)1. of this rule.
 - 3. When the MPO intends to make a final determination of conformity for a transportation plan, plan revision, TIP or TIP amendment, the MPO shall first notify the director of the state air quality agency of its intention and include in that notification a written response to any comments submitted by the state air quality agency on the proposed conformity determination. Upon receipt of such notification (including the written response to any comments submitted by the state air quality agency), the state air quality agency shall have fourteen (14) calendar days in which to appeal a proposed determination of conformity to the governor. If the Missouri air quality agency appeals to the governor of Missouri, the final conformity determination will automatically become contingent upon concurrence of the governor of Missouri. If the Illinois air quality agency presents an appeal to the governor of Missouri regarding a conflict involving both Illinois and Missouri

agencies or the MPO, the final conformity determination will automatically become contingent upon concurrence of both the governor of Missouri and the governor of Illinois. The state air quality agency shall provide notice of any appeal under this subsection to the MPO, the state transportation agency and the Illinois air quality agency. If neither state air quality agency appeals to the governor(s) within fourteen (14) days of receiving written notification, the MPO may proceed with the final conformity determination.

4. The governor may delegate the role of hearing any such appeal under this subsection and of deciding whether to concur in the conformity determination to another official or agency within the state, but not to the head or staff of the state air quality agency or any local air quality agency, the state department of transportation, a state transportation commission or board, any agency that has responsibility for only one (1) of these functions, or an MPO.

(F) Interagency Consultation Procedures— Public Involvement.

1. The MPO shall establish and implement a proactive public involvement process which provides opportunity for public review and comment prior to taking formal action on a conformity determination for a transportation plan revision or a TIP. This process shall be consistent with the requirements of 23 CFR part 450, including sections 450.316(b)(1), 450.322(c) and 450.324(c).
2. The public involvement process may be fully integrated with the public involvement process for transportation plans and TIPs publicized under 23 CFR section 450.316(b)(1)(i) or may be established independently. In the case of an independent procedure, there shall be a minimum public comment period of forty-five (45) days before the public involvement process is initially adopted or revised. In either case, the following criteria shall apply:
 - A. The MPO shall provide timely information about the conformity process to interested parties and segments of the community potentially affected by conformity determinations or by programs and policies proposed to ensure conformity, and to the public in general;
 - B. The public shall be assured reasonable access to technical and policy information considered by the agency at the beginning of the public comment period and prior to taking formal action on a conformity determination for all transportation plans and TIPs, consistent with these requirements and those of 23 CFR 450.316(b);
 - C. The MPO shall ensure adequate public notice of public involvement activities and shall allow time for public review and comment at key decision points including, but not limited to, any proposed determination of conformity;

- D. The MPO shall demonstrate explicit consideration and response to public input received during the conformity determination process. When significant written and oral comments are received on a proposed determination of conformity as a result of the public involvement process, a summary, analysis and report on the disposition of comments shall be made part of the final conformity determination;
 - E. The MPO shall specifically address in writing all public comments that known plans for a regionally significant project which is not receiving FHWA or FTA funding or approval have not been properly reflected in the emissions analysis supporting a proposed conformity finding for a transportation plan or TIP; and
 - F. The MPO will, when imposing any charges for public inspections and copying, be consistent with the fee schedule contained in ~~[49 CFR 7.95]~~ **49 CFR 7.43**.
- 3. The MPO and other agencies involved in conformity determinations shall also provide opportunity for public involvement in conformity determinations for projects to the extent otherwise required by law.
 - 4. At such times as the MPO proposes to adopt or revise the public involvement process under paragraph (5)(F)2., the MPO shall consult with the agencies listed in paragraph (5)(B)3. on that public involvement process as it relates to conformity determinations. A minimum of forty-five (45) days shall be allowed for these agencies to respond. The MPO shall consider all comments made by the consulting agencies and shall provide each agency with a written statement of its response before moving to adopt the revised public involvement process.
 - 5. In the first year after the adoption of this rule, if there is an approved public involvement process in force and the MPO has not proposed to revise that process, any consulting agency may request such a revision. The MPO shall consider this request and provide a written statement of its response to the requesting agency and other interested parties.

(6) Content of Transportation Plans.

- (A) Transportation Plans Adopted after January 1, 1997, in Serious, Severe, or Extreme Ozone Nonattainment Areas and in Serious Carbon Monoxide Nonattainment Areas. If the metropolitan planning area contains and urbanized area population greater than two hundred thousand (>200,000), the transportation plan must specifically describe the transportation system envisioned for certain future years which shall be called horizon years.
 - 1. The agency or organization developing the transportation plan, after consultation in accordance with section (5), may choose any years to be horizon years, subject to the following restrictions:

- A. Horizon years may be no more than ten (10) years apart;
 - B. The first horizon year may be no more than ten (10) years from the base year used to validate the transportation demand planning model;
 - C. If the attainment year is in the time span of the transportation plan, the attainment year must be a horizon year; and
 - D. The last horizon year must be the last year of the transportation plan's forecast period.
2. For these horizon years—
- A. The transportation plan shall quantify and document the demographic and employment factors influencing expected transportation demand, including land use forecasts, in accordance with implementation plan provisions and the consultation requirements specified by section (5);
 - B. The highway and transit system shall be described in terms of the regionally significant additions or modifications to the existing transportation network which the transportation plan envisions to be operational in the horizon years. Additions and modifications to the highway network shall be sufficiently identified to indicate intersections with existing regionally significant facilities, and to determine their effect on route options between transportation analysis zones. Each added or modified highway segment shall also be sufficiently identified in terms of its design concept and design scope to allow modeling of travel times under various traffic volumes, consistent with the modeling methods for area-wide transportation analysis in use by the MPO. Transit facilities, equipment, and services envisioned for the future shall be identified in terms of design concept, design scope, and operating policies that are sufficient for modeling of their transit ridership. Additions and modifications to the transportation network shall be described sufficiently to show that there is a reasonable relationship between expected land use and the envisioned transportation system; and
 - C. Other future transportation policies, requirements, services, and activities, including intermodal activities, shall be described.

(B) ~~[Moderate Areas Reclassified to Serious. Ozone or CO nonattainment areas which are reclassified from moderate to serious and have an urbanized population greater than two hundred thousand (>200,000), must meet the requirements of subsection (6)(A) of this rule within two (2) years from the date of reclassification.]~~ **Two(2)-year grace period for transportation plan requirements in certain ozone and CO areas. The requirements of subsection (A) of this section apply to such areas or portions of such**

areas that have previously not been required to meet these requirements for any existing NAAQS two (2) years from the following:

1. The effective date of EPA's reclassification of an ozone or CO nonattainment area that has an urbanized area population greater than two hundred thousand (>200,000) to serious or above;
2. The official notice by the Census Bureau that determines the urbanized area population of a serious or above or CO nonattainment area to be greater than two hundred thousand (>200,000); or
3. The effective date of EPA's action that classifies a newly designated ozone or CO nonattainment area that has an urbanized area population greater than two hundred thousand (>200,000) as serious or above.

(C) Transportation Plans for Other Areas. Transportation plans for other areas must meet the requirements of subsection (6)(A) of this rule at least to the extent it has been the previous practice of the MPO to prepare plans which meet those requirements. Otherwise, transportation plans must describe the transportation system envisioned for the future and must be sufficiently described within the transportation plans so that a conformity determination can be made according to the criteria and procedures of sections (9)–~~(18)~~(19).

(D) Savings. The requirements of this section supplement other requirements of applicable law or regulation governing the format or content of transportation plans.

(7) Relationship of Transportation Plan and TIP Conformity with the NEPA Process. The degree of specificity required in the transportation plan and the specific travel network assumed for air quality modeling do not preclude the consideration of alternatives in the NEPA process or other project development studies. Should the NEPA process result in a project with design concept and scope significantly different from that in the transportation plan or TIP, the project must meet the criteria in sections (9)–~~(18)~~(19) for projects not from a TIP before NEPA process completion.

(8) Fiscal Constraints for Transportation Plans and TIPs. Transportation plans and TIPs must be fiscally constrained consistent with DOT's metropolitan planning regulations at 23 CFR part 450 as in effect on the date of adoption of this rule in order to be found in conformity. The determination that a transportation plan or TIP is fiscally constrained shall be subject to consultation in accordance with section (5) of this rule.

(9) Criteria and Procedures for Determining Conformity of Transportation Plans, Programs, and Projects—General.

(A) In order for each transportation plan, program, and FHWA/FTA project to be found to conform, the MPO and DOT must demonstrate that the applicable criteria and procedures in sections (10)–~~(18)~~(19) as listed in Table 1 in subsection (9)(B) of this rule are satisfied, and the MPO and DOT must

- comply with all applicable conformity requirements of implementation plans and this rule and of court orders for the area which pertain specifically to conformity. The criteria for making conformity determinations differ based on the action under review (transportation plans, TIPs, and FHWA/FTA projects), the relevant pollutant(s), and the status of the implementation plan.
- (B) **Table 1 in this section** indicates the criteria and procedures in sections (10)–~~(18)~~**(19)** which apply for transportation plans, TIPs, and FHWA/FTA projects. Subsections (C) **through (I)** of this section explain[s] when **the budget, [and] interim emissions, [reduction tests] and hot-spot tests** are required for ~~[ozone nonattainment and maintenance areas]~~ **each pollutant and NAAQS**. Subsection (J) of this section addresses **conformity requirements for areas with approved or adequate limited maintenance plans**. Subsection (K) of this section addresses **nonattainment and maintenance areas which EPA has determined have insignificant motor vehicle emissions**. Subsection (L) of this section **addresses isolated rural nonattainment and maintenance areas**. Subsection (D) of this section explains when budget and emission reduction tests are required for CO nonattainment and maintenance areas. Table 1 follows:

Table 1—Conformity Criteria

All Actions at [a]All [t]Times—

Section (10)	Latest planning assumptions
Section (11)	Latest emissions model
Section (12)	Consultation

Transportation Plan—

Subsection (13)(B)	TCMs
Section [(17)] (18) and/or Section [(18)] (19)	Emissions budget and/or interim [E]emissions [reduction]

TIP—

Subsection (13)(C)	TCMs
Section [(17)] (18) and/or Section [(18)] (19)	Emissions budget and/or interim [E]emissions [reduction]

Project (From a Conforming Plan and TIP)—

Section (14)	Currently conforming plan and TIP
Section (15)	Project from a conforming plan and TIP
Section (16)	CO and PM ₁₀ hot spots[-]
Section (17)	PM₁₀ and PM_{2.5} control measures

Project (Not From a Conforming Plan and TIP)—

Subsection (13)(D)	TCMs
Section (14)	Currently conforming plan and TIP

Section (16)	CO and PM ₁₀ hot spots
Section (17)	PM₁₀ and PM_{2.5} control measures
Section [(47)] (18)	Emissions budget and/or
and/or Section [(48)] (19)	interim [E] emissions [reduction]

(C) **One (1)-hour** ~~[Θ]~~ozone NAAQS ~~[N]~~nonattainment and ~~[M]~~maintenance ~~[A]~~areas. **This subsection applies when an area is nonattainment or maintenance for the one (1)-hour ozone NAAQS (i.e., until the effective date of any revocation of the one (1)-hour ozone NAAQS for an area).** In addition to the criteria listed in Table 1 in subsection (B) of this section that are required to be satisfied at all times, in ozone nonattainment and maintenance areas conformity determinations must include a demonstration that the budget and/or **interim** emissions ~~[reduction]~~ tests are satisfied as described in the following:

1. In **all one (1)-hour** ozone nonattainment and maintenance areas the budget test must be satisfied as required by section ~~[(47)]~~(18) for conformity determinations made **on or after**—
 - A. ~~[Forty five (45) days after a control strategy implementation plan revision or maintenance plan has been submitted to EPA, unless EPA has declared the motor vehicle emissions budget inadequate for transportation conformity purposes; or]~~ **The effective date of EPA’s finding that a motor vehicle emissions budget in a submitted control strategy implementation plan revision or maintenance plan for the one (1)-hour ozone NAAQS is adequate for transportation conformity purposes;**
 - B. ~~[After EPA has declared that the motor vehicle emissions budget in a submitted control strategy implementation plan revision or maintenance plan is adequate for transportation conformity purposes.]~~ **The publication date of EPA’s approval of such a budget in the *Federal Register*; or**
 - C. **The effective date of EPA’s approval of such a budget in the *Federal Register*, if such approval is completed through direct final rulemaking.**
2. In ozone nonattainment areas that are required to submit a control strategy implementation plan revision **for the one (1)-hour ozone NAAQS** (usually moderate and above areas), the **interim** emissions ~~[reduction]~~ tests must be satisfied as required by section ~~[(48)]~~(19) for conformity determinations made~~—~~**when there is no approved motor vehicle emissions budget from an applicable implementation plan for the one (1)-hour ozone NAAQS and no adequate motor vehicle emissions budget from a submitted control strategy implementation plan revision or maintenance plan for the one (1)-hour ozone NAAQS.**
 - ~~[A.—During the first forty five (45) days after a control strategy implementation plan revision or maintenance plan has been~~

submitted to EPA, unless EPA has declared a motor vehicle emissions budget adequate for transportation conformity purposes; or

B. ~~If EPA has declared the motor vehicle emissions budget in a submitted control strategy implementation plan revision or maintenance plan inadequate for transportation conformity purposes, and there is no previously established motor vehicle emissions budget in the approved implementation plan or a previously submitted control strategy implementation plan revision or maintenance plan.]~~

3. An ozone nonattainment area must satisfy the **interim** emissions [~~reduction~~] test for NO_x, as required by section [~~(18)~~](**19**), if the implementation plan or plan submission that is applicable for the purposes of conformity determinations is a fifteen percent (15%) plan or Phase I attainment demonstration that does not include a motor vehicle emissions budget for NO_x. The implementation plan **for the one (1)-hour ozone NAAQS** will be considered to establish a motor vehicle emissions budget for NO_x if the implementation plan or plan submission contains an explicit NO_x motor vehicle emissions budget that is intended to act as a ceiling on future NO_x emissions, and the NO_x motor vehicle emissions budget is a net reduction from NO_x emissions levels in 1990.
4. Ozone nonattainment areas that have not submitted a maintenance plan and that are not required to submit a control strategy implementation plan revision **for the one (1)-hour ozone NAAQS** (usually marginal and below areas) must satisfy one (**1**) of the following requirements[:]
 - A. The **interim** emissions [~~reduction~~] tests required by section [~~(18)~~](**19**); or
 - B. The state shall submit to EPA an implementation plan revision **for the one (1)-hour NAAQS** that contains motor vehicle emissions budget(s) and [~~an~~] **a reasonable further progress or** attainment demonstration, and the budget test required by section [~~(17)~~](**18**) must be satisfied using the [~~submitted~~] **adequate or approved** motor vehicle emissions budget(s) (as described in paragraph (C)1. of this section).
5. Notwithstanding paragraphs (C)1. and (C)2. of this section, moderate and above ozone nonattainment areas with three (3) years of clean data **for the one (1)-hour ozone NAAQS** that have not submitted a maintenance plan and that EPA has determined are not subject to the Clean Air Act reasonable further progress and attainment demonstration requirements **for the one (1)-hour ozone NAAQS** must satisfy one (**1**) of the following requirements[:]
 - A. The **interim** emissions [~~reduction~~] tests as required by section [~~(18)~~](**19**);

- B. The budget test as required by section ~~[(17)]~~(18), using the **adequate or approved** motor vehicle emissions budgets in the submitted **or applicable** control strategy implementation plan **for the one (1)-hour ozone NAAQS** (subject to the timing requirements of paragraph (C)1. of this section); or
 - C. The budget test as required by section ~~[(17)]~~(18), using the motor vehicle emissions of ozone precursors in the most recent year of clean data as motor vehicle emissions budgets, if such budgets are established by the EPA rulemaking that determines that the area has clean data **for the one (1)-hour ozone NAAQS**.
- (D) **Eight (8)-hour ozone NAAQS nonattainment and maintenance areas without motor vehicle emissions budgets for the one (1)-hour ozone NAAQS for any portion of the eight (8)-hour nonattainment area. This subsection applies to areas that were never designated nonattainment for the one (1)-hour ozone NAAQS and areas that were designated nonattainment for the one (1)-hour ozone NAAQS but that never submitted a control strategy SIP or maintenance plan with approved or adequate motor vehicle emissions budgets. This subsection applies one (1) year after the effective date of EPA's nonattainment designation for the eight (8)-hour ozone NAAQS for an area, according to subsection (2)(D). In addition to the criteria listed in Table 1 in subsection (B) of this section that are required to be satisfied at all times, in such eight (8)-hour ozone nonattainment and maintenance areas conformity determinations must include a demonstration that the budget and/or interim emissions tests are satisfied as described in the following:**
- 1. **In such eight (8)-hour ozone nonattainment and maintenance areas the budget test must be satisfied as required by section (18) for conformity determinations made on or after—**
 - A. **The effective date of EPA's finding that a motor vehicle emissions budget in a submitted control strategy implementation plan revision or maintenance plan for the eight (8)-hour ozone NAAQS is adequate for transportation conformity purposes;**
 - B. **The publication date of EPA's approval of such a budget in the *Federal Register*; or**
 - C. **The effective date of EPA's approval of such a budget in the *Federal Register*, if such approval is completed through direct final rulemaking;**
 - 2. **In ozone nonattainment areas that are required to submit a control strategy implementation plan revision for the eight (8)-hour ozone NAAQS (usually moderate and above and certain Clean Air Act, part D, subpart 1 areas), the interim emissions tests must be satisfied as required by section (19) for conformity determinations made when there is no approved motor vehicle emissions budget from an applicable implementation plan for**

the eight (8)-hour ozone NAAQS and no adequate motor vehicle emissions budget from a submitted control strategy implementation plan revision or maintenance plan for the eight (8)-hour ozone NAAQS;

3. Such an eight (8)-hour ozone nonattainment area must satisfy the interim emissions test for NO_x, as required by section (19), if the implementation plan or plan submission that is applicable for the purposes of conformity determinations is a fifteen percent (15%) plan or other control strategy SIP that addresses reasonable further progress that does not include a motor vehicle emissions budget for NO_x. The implementation plan for the eight (8)-hour ozone NAAQS will be considered to establish a motor vehicle emissions budget for NO_x if the implementation plan submission contains an explicit NO_x motor vehicle emissions budget that is intended to act as a ceiling on future NO_x emissions, and the NO_x motor vehicle emissions budget is a net reduction from NO_x emissions levels in 2002;
4. Ozone nonattainment areas that have not submitted a maintenance plan and that are not required to submit a control strategy implementation plan revision for the eight (8)-hour ozone NAAQS (usually marginal and certain Clean Air Act, part D, subpart 1 areas) must satisfy one (1) of the following requirements—
 - A. The interim emissions tests required by section (19); or
 - B. The state shall submit to EPA an implementation plan revision for the eight (8)-hour ozone NAAQS that contains motor vehicle emissions budget(s) and a reasonable further progress or attainment demonstration, and the budget test required by section (18) must be satisfied using the adequate or approved motor vehicle emissions budget(s) (as described in paragraph (D)1. of this section);
5. Notwithstanding paragraphs (D)1. and (D)2. of this section, ozone nonattainment areas with three (3) years of clean data for the 8-hour ozone NAAQS that have not submitted a maintenance plan and that EPA has determined are not subject to the Clean Air Act reasonable further progress and attainment demonstration requirements for the 8-hour ozone NAAQS must satisfy one (1) of the following requirements—
 - A. The interim emissions tests as required by section (19);
 - B. The budget test as required by section (18), using the adequate or approved motor vehicle emissions budgets in the submitted or applicable control strategy implementation plan for the 8-hour ozone NAAQS (subject to the timing requirements of paragraph (D)1. of this section); or

- C. The budget test as required by section (18), using the motor vehicle emissions of ozone precursors in the most recent year of clean data as motor vehicle emissions, if such budgets are established by the EPA rulemaking that determines that the area has clean data for the eight (8)-hour ozone NAAQS.
- (E) Eight (8)-hour ozone NAAQS nonattainment and maintenance areas with motor vehicle emissions budgets for the one (1)-hour ozone NAAQS that cover all or a portion of the eight (8)-hour nonattainment area. This provision applies one (1) year after the effective date of EPA's nonattainment designation for the eight (8)-hour ozone NAAQS for an area, according to subsection (2)(D). In addition to the criteria listed in Table 1 in subsection (B) of this section that are required to be satisfied at all times, in such eight (8)-hour ozone nonattainment and maintenance areas conformity determinations must include a demonstration that the budget and/or interim emissions tests are satisfied as described in the following:
 - 1. In such eight (8)-hour ozone nonattainment and maintenance areas the budget test must be satisfied as required by section (18) for conformity determinations made on or after—
 - A. The effective date of EPA's finding that a motor vehicle emissions budget in a submitted control strategy implementation plan revision or maintenance plan for the eight (8)-hour ozone NAAQS is adequate for transportation conformity purposes;
 - B. The publication date of EPA's approval of such budget in the *Federal Register*; or
 - C. The effective date of EPA's approval of such a budget in the *Federal Register*, if such approval is completed through direct final rulemaking;
 - 2. Prior to paragraph (E)1. of this section applying, the following test(s) must be satisfied, subject to the exception in subparagraph (E)2.E.—
 - A. If the eight (8)-hour ozone nonattainment area covers the same geographic area as the one (1)-hour ozone nonattainment or maintenance area(s), the budget test as required by section (18) using the approved or adequate motor vehicle emissions budgets in the 1-hour ozone applicable implementation plan or implementation plan submission;
 - B. If the eight (8)-hour ozone nonattainment area covers a smaller geographic area within the one (1)-hour ozone nonattainment or maintenance area(s), the budget test as required by section (18) for either—
 - (I) The eight (8)-hour nonattainment area using corresponding portion(s) of the approved or

- adequate motor vehicle emissions budgets in the one (1)-hour ozone applicable implementation plan or implementation plan submission where such portion(s) can reasonably be identified through the interagency consultation process required by section (5); or
- (II) The one (1)-hour nonattainment area using the approved or adequate motor vehicle emissions budgets in the one (1)-hour ozone applicable implementation plan or implementation plan submission. If additional emissions reductions are necessary to meet the budget test for the eight (8)-hour ozone NAAQS in such cases, these emissions reductions must come from within the eight (8)-hour nonattainment area;
- C. If the eight (8)-hour ozone nonattainment area covers a larger geographic area and encompasses the entire one (1)-hour ozone nonattainment or maintenance area(s)—
- (I) The budget test as required by section (18) for the portion of the (8)-hour ozone nonattainment area covered by the approved or adequate motor vehicle emissions budgets in the one (1)-hour ozone applicable implementation plan or implementation plan submission; and
- (II) The interim emissions tests as required by section (19) for either—the portion of the eight (8)-hour ozone nonattainment area not covered by the approved or adequate budgets in the one (1)-hour ozone implementation plan, the entire eight (8)-hour ozone nonattainment area, or the entire portion of the eight (8)-hour ozone nonattainment area within an individual state, in the case where separate one (1)-hour SIP budgets are established for each state of a multi-state one (1)-hour nonattainment or maintenance area;
- D. If the eight (8)-hour ozone nonattainment area partially covers a one (1)-hour ozone nonattainment or maintenance area(s)—
- (I) The budget test as required by section (18) for the portion of the eight (8)-hour ozone nonattainment area covered by the corresponding portion of the approved or adequate motor vehicle emissions budgets in the one (1)-hour ozone applicable implementation plan or implementation plan submission where they can be reasonably

identified through the interagency consultation process required by section (5); and

- (II) The interim emissions tests as required by section (19), when applicable, for either—the portion of the eight (8)-hour ozone nonattainment area not covered by the approved or adequate budgets in the one (1)-hour ozone implementation plan, the entire eight (8)-hour ozone nonattainment area, or the entire portion of the eight (8)-hour ozone nonattainment area within an individual state, in the case where separate one (1)-hour SIP budgets are established for each state in a multi-state 1-hour nonattainment or maintenance area;

- E. Notwithstanding paragraphs (E)2.A., B., C., or D. of this section, the interim emissions tests as required by section (19), where the budget test using the approved or adequate motor vehicle emissions budgets in the one (1)-hour ozone applicable implementation plan(s) or implementation plan submission(s) for the relevant area or portion thereof is not the appropriate test and the interim emissions tests are more appropriate to ensure that the transportation plan, TIP, or project not from a conforming plan and TIP will not create new violations, worsen existing violations, or delay timely attainment of the eight (8)-hour ozone standard, as determined through the interagency consultation process required by section (5);

- 3. Such an eight (8)-hour ozone nonattainment area must satisfy the interim emissions test for NO_x, as required by section (19), if the only implementation plan or plan submission that is applicable for the purposes of conformity determinations is a fifteen percent (15%) plan or other control strategy SIP that addresses reasonable further progress that does not include a motor vehicle emissions budget for NO_x. The implementation plan for the eight (8)-hour ozone NAAQS will be considered to establish a motor vehicle emissions budget for NO_x if the implementation plan or plan submission contains an explicit NO_x motor vehicle emissions budget that is intended to act as a ceiling on future NO_x emissions, and the NO_x motor vehicle emissions budget is a net reduction from NO_x emissions levels in 2002. Prior to an adequate or approved NO_x motor vehicle emissions budget in the implementation plan submission for the eight (8)-hour ozone NAAQS, the implementation plan for the one (1)-hour ozone NAAQS will be considered to establish a motor vehicle emissions budget for NO_x if the implementation plan contains an explicit NO_x motor vehicle emissions budget

that is intended to act as a ceiling on future NO_x emissions, and the NO_x motor vehicle emissions budget is a net reduction from NO_x emissions levels in 1990; and

4. Notwithstanding paragraphs (E)1. and (E)2. of this section, ozone nonattainment areas with three (3) years of clean data for the eight (8)-hour ozone NAAQS that have not submitted a maintenance plan and that EPA has determined are not subject to the Clean Air Act reasonable further progress and attainment demonstration requirements for the eight (8)-hour ozone NAAQS must satisfy one (1) of the following requirements—
- A. **The budget test and/or interim emissions tests as required by sections (18) and (19) and as described in paragraph (E)2. of this section;**
 - B. **The budget test as required by section (18), using the adequate or approved motor vehicle emissions budgets in the submitted or applicable control strategy implementation plan for the eight (8)-hour ozone NAAQS (subject to the timing requirements of paragraph (E)1. of this section); or**
 - C. **The budget test as required by section (18), using the motor vehicle emissions of ozone precursors in the most recent year of clean data as motor vehicle emissions budgets, if such budgets are established by the EPA rulemaking that determines that the area has clean data for the eight (8)-hour ozone NAAQS.**

~~[(D)]~~(F) CO nonattainment and maintenance areas. In addition to the criteria listed in Table 1 in subsection (B) of this section that are required to be satisfied at all times, in CO nonattainment and maintenance areas conformity determinations must include a demonstration that the hot-spot, budget and/or **interim** emissions ~~[reduction]~~ tests are satisfied as described in the following:

- 1. FHWA/FTA projects in CO nonattainment or maintenance areas must satisfy the hot-spot test required by section (16) at all times. Until a CO attainment demonstration or maintenance plan is approved by EPA, FHWA/FTA projects must also satisfy the hot-spot test required by subsection (16)(B).
- 2. In CO nonattainment and maintenance areas the budget test must be satisfied as required by section ~~[(17)]~~**(18)** for conformity determinations made **on or after**—
 - A. ~~[Forty five (45) days after a control strategy implementation plan revision or maintenance plan has been submitted to EPA, unless EPA has declared the motor vehicle emissions budget inadequate for transportation conformity purposes; or]~~**The effective date of EPA's finding that a motor vehicle emissions budget in a submitted control strategy**

implementation plan revision or maintenance plan is adequate for transportation conformity purposes;

B. ~~[After EPA has declared that the motor vehicle emissions budget in a submitted control strategy implementation plan revision or maintenance plan is adequate for transportation conformity purposes.]~~**The publication date of EPA's**

C. **approval of such a budget in the *Federal Register*; or**
The effective date of EPA's approval of such a budget in the *Federal Register*, if such approval is completed through direct final rulemaking.

3. Except as provided in paragraph ~~[(D)4]~~**(F)4.** of this section, in CO nonattainment areas the **interim** emissions ~~[reduction]~~ tests must be satisfied as required by section ~~[(18)]~~**(19)** for conformity determinations made **when there is no approved motor vehicle emissions budget from an applicable implementation plan and no adequate motor vehicle emissions budget from a submitted control strategy implementation plan revision or maintenance plan[—].**

~~A. During the first forty-five (45) days after a control strategy implementation plan revision or maintenance plan has been submitted to EPA, unless EPA has declared a motor vehicle emissions budget adequate for transportation conformity purposes; or~~

~~B. If EPA has declared the motor vehicle emissions budget in a submitted control strategy implementation plan revision or maintenance plan inadequate for transportation conformity purposes, and there is no previously established motor vehicle emissions budget in the approved implementation plan or a previously submitted control strategy implementation plan revision or maintenance plan.]~~

4. CO nonattainment areas that have not submitted a maintenance plan and that are not required to submit an attainment demonstration (e.g., moderate CO areas with a design value of 12.7 ppm or less or not classified CO areas) must satisfy one of the following requirements:

A. The **interim** emissions ~~[reduction]~~ tests required by section ~~[(18)]~~**(19)**; or

B. The state shall submit to EPA an implementation plan revision that contains motor vehicle emissions budget(s) and an attainment demonstration, and the budget test required by section ~~[(17)]~~**(18)** must be satisfied using the ~~[submitted]~~**adequate or approved** motor vehicle emissions budget(s) (as described in paragraph ~~[(D)2.]~~**(F)2.** of this section).

(G) PM₁₀ nonattainment and maintenance areas. In addition to the criteria listed in Table 1 of subsection (B) of this section that are required to be

satisfied at all times, in PM₁₀ nonattainment and maintenance areas conformity determinations must include a demonstration that the hot - spot, budget and/or interim emissions tests are satisfied as described in the following:

1. FHWA/FTA projects in PM₁₀ nonattainment or maintenance areas must satisfy the hot-spot test required by subsection (16)(A).
2. In PM₁₀ nonattainment and maintenance areas the budget test must be satisfied as required by section (18) for conformity determinations made on or after—
 - A. The effective date of EPA's finding that a motor vehicle emissions budget in a submitted control strategy implementation plan revision or maintenance plan is adequate for transportation conformity purposes;
 - B. The publication date of EPA's approval of such a budget in the *Federal Register*; or
 - C. The effective date of EPA's approval of such a budget in the *Federal Register*, if such approval is completed through direct final rulemaking.
3. In PM₁₀ nonattainment areas the interim emissions tests must be satisfied as required by section (19) for conformity determinations made—
 - A. If there is no approved motor vehicle emissions budget from an applicable implementation plan and no adequate motor vehicle emissions budget from a submitted control strategy implementation plan revision or maintenance plan; or
 - B. If the submitted implementation plan revision is a demonstration of impracticability under CAA section 189(a)(1)(B)(ii) and does not demonstrate attainment.

(H) NO₂ nonattainment and maintenance areas. In addition to the criteria listed in Table 1 in subsection (B) of this section that are required to be satisfied at all times, in NO₂ nonattainment and maintenance areas conformity determinations must include a demonstration that the budget and/or interim emissions tests are satisfied as described in the following:

1. In NO₂ nonattainment and maintenance areas the budget test must be satisfied as required by section (18) for conformity determinations made on or after—
 - A. The effective date of EPA's finding that a motor vehicle emissions budget in a submitted control strategy implementation plan revision or maintenance plan is adequate for transportation conformity purposes;
 - B. The publication date of EPA's approval of such a budget in the *Federal Register*; or

- C. The effective date of EPA's approval of such a budget in the *Federal Register*, if such approval is completed through direct final rulemaking.
 - 2. In NO₂ nonattainment areas the interim emissions tests must be satisfied as required by section (19) for conformity determinations made when there is no approved motor vehicle emissions budget from an applicable implementation plan and no adequate motor vehicle emissions budget from a submitted control strategy implementation plan revision or maintenance plan.
- (I) PM_{2.5} nonattainment and maintenance areas. In addition to the criteria listed in Table 1 in subsection (B) of this section that are required to be satisfied at all times, in PM_{2.5} nonattainment and maintenance areas conformity determinations must include a demonstration that the budget and/or interim emissions tests are satisfied as described in the following:
- 1. In PM_{2.5} nonattainment and maintenance areas the budget test must be satisfied as required by section (18) for conformity determinations made on or after—
 - A. The effective date of EPA's finding that a motor vehicle emissions budget in a submitted control strategy implementation plan revision or maintenance plan is adequate for transportation conformity purposes;
 - B. The publication date of EPA's approval of such a budget in the *Federal Register*; or
 - C. The effective date of EPA's approval of such a budget in the *Federal Register*, if such approval is completed through direct final rulemaking.
 - 2. In PM_{2.5} nonattainment areas the interim emissions tests must be satisfied as required by section (19) for conformity determinations made if there is no approved motor vehicle emissions budget from an applicable implementation plan and no adequate motor vehicle emissions budget from a submitted control strategy implementation plan revision or maintenance plan.
- (J) Areas with limited maintenance plans. Notwithstanding the other subsections of this section, an area is not required to satisfy the regional emissions analysis for section (18) and/or section (19) for a given pollutant and NAAQS, if the area has an adequate or approved limited maintenance plan for such pollutant and NAAQS. A limited maintenance plan would have to demonstrate that it would be unreasonable to expect that such an area would experience enough motor vehicle emissions growth for a NAAQS violation to occur. A conformity determination that meets other applicable criteria in Table 1 of subsection (B) of this section is still required, including the hot-spot requirements for projects in CO and PM₁₀ areas.

- (K) Areas with insignificant motor vehicle emissions.** Notwithstanding the other subsections of this section, an area is not required to satisfy a regional emissions analysis for section (18) and/or section (19) for a given pollutant/precursor and NAAQS, if EPA finds through the adequacy or approval process that a SIP demonstrates that regional motor vehicle emissions are an insignificant contributor to the air quality problem for that pollutant/precursor and NAAQS. The SIP would have to demonstrate that it would be unreasonable to expect that such an area would experience enough motor vehicle emissions growth in that pollutant/precursor for a NAAQS violation to occur. Such a finding would be based on a number of factors, including the percentage of motor vehicle emissions in the context of the total SIP inventory, the current state of air quality as determined by monitoring data for that NAAQS, the absence of SIP motor vehicle control measures, and historical trends and future projections of the growth of motor vehicle emissions. A conformity determination that meets other applicable criteria in Table 1 of subsection (B) of this section is still required, including regional emissions analyses for section (18) and/or section (19) for other pollutants/precursors and NAAQS that apply. Hot-spot requirements for projects in CO and PM₁₀ areas in section (16) must also be satisfied, unless EPA determines that the SIP also demonstrates that projects will not create new localized violations and/or increase the severity or number of existing violations of such NAAQS. If EPA subsequently finds that motor vehicle emissions of a given pollutant/precursor are significant, this subsection would no longer apply for future conformity determinations for that pollutant/precursor and NAAQS.
- (L) Isolated rural nonattainment and maintenance areas.** This subsection applies to any nonattainment or maintenance area (or portion thereof) which does not have a metropolitan transportation plan or TIP and whose projects are not part of the emissions analysis of any MPO's metropolitan transportation plan or TIP. This subsection does not apply to "donut" areas which are outside the metropolitan planning boundary and inside the nonattainment/maintenance area boundary.
- 1. FHWA/FTA projects in all isolated rural nonattainment and maintenance areas must satisfy the requirements of sections (10), (11), (12), (16), and (17) and subsection (13)(D). Until EPA approves the control strategy implementation plan or maintenance plan for a rural CO nonattainment or maintenance area, FHWA/FTA projects must also satisfy the requirements of subsection (16)(B) ("Localized CO and PM₁₀ violations (hot spots)").**
 - 2. Isolated rural nonattainment and maintenance areas are subject to the budget and/or interim emissions tests as described in subsections (C) through (K) of this section, with the following modifications—**

- A. When the requirements of sections (18) and (19) apply to isolated rural nonattainment and maintenance areas, references to “transportation plan” or “TIP” should be taken to mean those projects in the statewide transportation plan or statewide TIP which are in the rural nonattainment or maintenance area.**
- B. In isolated rural nonattainment and maintenance areas that are subject to section (18), FHWA/FTA projects must be consistent with motor vehicle emissions budget(s) for the years in the time frame of the attainment demonstration or maintenance plan. For years after the attainment year (if a maintenance plan has not been submitted) or after the last year of the maintenance plan, FHWA/FTA projects must satisfy one (1) of the following requirements—**

 - (I) Section (18);**
 - (II) Section (19) (including regional emissions analysis for NO_x in all ozone nonattainment and maintenance areas, notwithstanding paragraph (19)(F)2.; or**
 - (III) As demonstrated by the air quality dispersion model or other air quality modeling technique used in the attainment demonstration or maintenance plan, the FHWA/FTA project, in combination with all other regionally significant projects expected in the area in the time frame of the statewide transportation plan, must not cause or contribute to any new violation of any standard in any areas; increase the frequency or severity of any existing violation of any standard in any area; or delay timely attainment of any standard or any required interim emission reductions or other milestones in any area. Control measures assumed in the analysis must be enforceable.**
- C. The choice of requirements in subparagraph (L)2.B. of this section and the methodology used to meet the requirements of part (L)2.B.III. of this section must be determined through the interagency consultation process required in subparagraph (5)(C)1.G. through which the relevant recipients of Title 23 U.S.C. or Federal Transit Laws funds, the local air quality agency, the state air quality agency, and the state department of transportation should reach consensus about the option and methodology selected. EPA and DOT must be consulted through this process as well. In the event of**

unresolved disputes, conflicts may be escalated to the governor consistent with the procedure in subsection (5)(D), which applies for any state air agency comments on a conformity determination.

(10) Criteria and Procedures—Latest Planning Assumptions.

- (A) ~~[The conformity determination, with respect to all other applicable criteria in sections (11)–(18), must be based upon the most recent planning assumptions in force at the time of the conformity determination. The conformity determination must satisfy the requirements of subsections (10)(B)–(F).]~~
Except as provided in this paragraph, the conformity determination, with respect to all other applicable criteria in sections (11)–(19), must be based upon the most recent planning assumptions in force at the time the conformity analysis begins. The conformity determination must satisfy the requirements of subsections (10)(B)–(F) of this rule using the planning assumptions available at the time the conformity analysis begins as determined through the interagency consultation process required in section (5). The “time the conformity analysis begins” for a transportation plan or TIP determination is the point at which the MPO or other designated agency begins to model the impact of the proposed transportation plan or TIP on travel and/or emissions. New data that becomes available after an analysis begins is required to be used in the conformity determination only if a significant delay in the analysis has occurred, as determined through interagency consultation.
- (B) Assumptions (including, but not limited to, vehicle miles traveled per capita or per household or per vehicle, trip generation per household, vehicle occupancy, household size, vehicle fleet mix, vehicle ownership, and the geographic distribution of population growth) must be derived from the estimates of current and future population, employment, travel, and congestion most recently developed by the MPO or other agency authorized to make such estimates and approved by the MPO. The conformity determination must also be based on the latest assumptions about current and future background concentrations. Any revisions to these estimates used as part of the conformity determination, including projected shifts in geographic location or level of population, employment, travel, and congestion, must be approved by the MPO, and shall be subject to consultation in accordance with section (5).
- (C) The conformity determination for each transportation plan and TIP must discuss how transit operating policies (including fares and service levels) and assumed transit ridership have changed since the previous conformity determination.
- (D) The conformity determination must include reasonable assumptions about transit service and increases in transit fares and road and bridge tolls over time.

- (E) The conformity determination must use the latest existing information regarding the effectiveness of the TCMs and other implementation plan measures which have already been implemented.
 - (F) Key assumptions shall be specified and included in the draft documents and supporting materials used for the interagency and public consultation required by section (5).
- (11) Criteria and Procedures—Latest Emissions Model.
- (A) The conformity determination must be based on the latest emission estimation model available. This criterion is satisfied if the most current version of the motor vehicle emissions model specified by EPA for use in the preparation or revision of implementation plans in that state or area is used for the conformity analysis.
 - (B) EPA will consult with DOT to establish a grace period following the specification of any new model.
 - 1. The grace period will be no less than three (3) months and no more than twenty-four (24) months after notice of availability is published in the *Federal Register*.
 - 2. The length of the grace period will depend on the degree of change in the model and the scope of re-planning likely to be necessary by MPOs in order to assure conformity. If the grace period will be longer than three (3) months, EPA will announce the appropriate grace period in the *Federal Register*.
 - (C) Transportation plan and TIP conformity analyses for which the emissions analysis was begun during the grace period or before the *Federal Register* notice of availability of the latest emission model may continue to use the previous version of the model. Conformity determinations for projects may also be based on the previous model if the analysis was begun during the grace period or before the *Federal Register* notice of availability, and if the final environmental document for the project is issued no more than three (3) years after the issuance of the draft environmental document.
- (12) Criteria and Procedures—Consultation. Conformity must be determined according to the consultation procedures in this rule and in the applicable implementation plan, and according to the public involvement procedures established in compliance with 23 CFR part 450. Until the implementation plan is fully approved by EPA, the conformity determination must be made according to paragraph (5)(A)2. and subsection (5)(E) and the requirements of 23 CFR part 450.
- (13) Criteria and Procedures—Timely Implementation of TCMs.
- (A) The transportation plan, TIP, or any FHWA/FTA project which is not from a conforming plan and TIP must provide for the timely implementation of TCMs from the applicable implementation plan.
 - (B) For transportation plans, this criterion is satisfied if the following two (2) conditions are met:

1. The transportation plan, in describing the envisioned future transportation system, provides for the timely completion or implementation of all TCMs in the applicable implementation plan which are eligible for funding under Title 23 U.S.C. or the Federal Transit Laws, consistent with schedules included in the applicable implementation plan; and
 2. Nothing in the transportation plan interferes with the implementation of any TCM in the applicable implementation plan.
- (C) For TIPs, this criterion is satisfied if the following conditions are met:
1. An examination of the specific steps and funding source(s) needed to fully implement each TCM indicates that TCMs which are eligible for funding under Title 23 U.S.C. or the Federal Transit Laws, are on or ahead of the schedule established in the applicable implementation plan, or, if such TCMs are behind the schedule established in the applicable implementation plan, the MPO and DOT have determined that past obstacles to implementation of the TCMs have been identified and have been or are being overcome, and that all state and local agencies with influence over approvals or funding for TCMs are giving maximum priority to approval or funding of TCMs over other projects within their control, including projects in locations outside the nonattainment or maintenance area.
 2. If TCMs in the applicable implementation plan have previously been programmed for federal funding but the funds have not been obligated and the TCMs are behind the schedule in the implementation plan, then the TIP cannot be found to conform if the funds intended for those TCMs are reallocated to projects in the TIP other than TCMs, or if there are no other TCMs in the TIP, if the funds are reallocated to projects in the TIP other than projects which are eligible for federal funding intended for air quality improvement projects, e.g., the Congestion Mitigation and Air Quality Improvement Program; and
 3. Nothing in the TIP may interfere with the implementation of any TCM in the applicable implementation plan.
- (D) For FHWA/FTA projects which are not from a conforming transportation plan and TIP, this criterion is satisfied if the project does not interfere with the implementation of any TCM in the applicable implementation plan.
- (14) Criteria and Procedures—Currently Conforming Transportation Plan and TIP. There must be a currently conforming transportation plan and currently conforming TIP at the time of project approval.
- (A) Only one (1) conforming transportation plan or TIP may exist in an area at any time; conformity determinations of a previous transportation plan or TIP expire once the current plan or TIP is found to conform by DOT. The conformity determination on a transportation plan or TIP will also lapse if conformity is not determined according to the frequency requirements specified in section (4) of this rule.

- (B) This criterion is not required to be satisfied at the time of project approval for a TCM specifically included in the applicable implementation plan, provided that all other relevant criteria of this subsection are satisfied.

(15) Criteria and Procedures—Projects From a Plan and TIP.

- (A) The project must come from a conforming plan and program. If this criterion is not satisfied, the project must satisfy all criteria in Table 1 of subsection (9)(B) for a project not from a conforming transportation plan and TIP. A project is considered to be from a conforming transportation plan if it meets the requirements of subsection (15)(B) of this rule and from a conforming program if it meets the requirements of subsection (15)(C) of this rule. Special provisions for TCMs in an applicable implementation plan are provided in subsection (15)(D) of this rule.
- (B) A project is considered to be from a conforming transportation plan if one (1) of the following conditions applies:
1. For projects which are required to be identified in the transportation plan in order to satisfy section (6) Content of Transportation Plans of this rule, the project is specifically included in the conforming transportation plan and the project's design concept and scope have not changed significantly from those which were described in the transportation plan, or in a manner which would significantly impact use of the facility; or
 2. For projects which are not required to be specifically identified in the transportation plan, the project is identified in the conforming transportation plan, or is consistent with the policies and purpose of the transportation plan and will not interfere with other projects specifically included in the transportation plan.
- (C) A project is considered to be from a conforming program if the following conditions are met:
1. The project is included in the conforming TIP and the design concept and scope of the project were adequate at the time of the TIP conformity determination to determine its contribution to the TIP's regional emissions, and the project design concept and scope have not changed significantly from those which were described in the TIP; and
 2. If the TIP describes a project design concept and scope which includes project-level emissions mitigation or control measures, written commitments to implement such measures must be obtained from the project sponsor and/or operator as required by subsection ~~[(24)]~~(25)(A) in order for the project to be considered from a conforming program. Any change in these mitigation or control measures that would significantly reduce their effectiveness constitutes a change in the design concept and scope of the project.
- (D) TCMs. This criterion is not required to be satisfied for TCMs specifically included in an applicable implementation plan.

- (16) Criteria and Procedures—Localized CO and PM₁₀ Violations (Hot Spots).
- (A) This subsection applies at all times. The FHWA/FTA project must not cause or contribute to any new localized CO or PM₁₀ violations or increase the frequency or severity of any existing CO or PM₁₀ violations in CO and PM₁₀ nonattainment and maintenance areas. This criterion is satisfied if it is demonstrated that **during the time frame of the transportation plan (or regional emissions analysis)** no new local violations will be created and the severity or number of existing violations will not be increased as a result of the project. The demonstration must be performed according to the consultation requirements of subparagraph (5)(C)1.A. and the methodology requirements of section ~~[(22)]~~(23).
 - (B) This subsection applies for CO nonattainment areas as described in paragraph (9)(D)1. Each FHWA/FTA project must eliminate or reduce the severity and number of localized CO violations in the area substantially affected by the project (in CO nonattainment areas). This criteria is satisfied with respect to existing localized CO violations if it is demonstrated that **during the time frame of the transportation plan (or regional emissions analysis)** existing localized CO violations will be eliminated or reduced in severity and number as a result of the project. The demonstration must be performed according to the consultation requirements of subparagraph (5)(C)1.A. and the methodology requirements of section ~~[(22)]~~(23).
- (17) Criteria and Procedures—Compliance with PM₁₀ and PM_{2.5} Control Measures. **The FHWA/FTA project must comply with any PM₁₀ and PM_{2.5} control measures in the applicable implementation plan. This criterion is satisfied if the project-level conformity determination contains a written commitment from the project sponsor to include in the final plans, specifications, and estimates for the project those control measures (for the purpose of limiting PM₁₀ and PM_{2.5} emissions from the construction activities and/or normal use and operation associated with the project) that are contained in the applicable implementation plan.**
- ~~[(47)]~~(18) Criteria and Procedures—Motor Vehicle Emissions Budget.
- (A) The transportation plan, TIP, and project not from a conforming transportation plan and TIP must be consistent with the motor vehicle emissions budget(s) in the applicable implementation plan (or implementation plan submission). This criterion applies as described in subsections (9)(C) **through (L)**. This criterion is satisfied if it is demonstrated that emissions of the pollutants or pollutant precursors described in subsection (C) of this section are less than or equal to the motor vehicle emissions budget(s) established in the applicable implementation plan or implementation plan submission.
 - (B) Consistency with the motor vehicle emissions budget(s) must be demonstrated for each year for which the applicable (and/or submitted) implementation plan specifically establishes motor vehicle emissions budget(s), **for the attainment year (if it is within the time frame of the transportation plan)** for the last year of the transportation plan's forecast

period, and for any intermediate years as necessary so that the years for which consistency is demonstrated are no more than ten (10) years apart, as follows:

1. Until a maintenance plan is submitted—

- A. Emissions in each year (such as milestone years and the attainment year) for which the control strategy implementation plan revision establishes motor vehicle emissions budget(s) must be less than or equal to that year's motor vehicle emissions budget(s); and
- B. Emissions in years for which no motor vehicle emissions budget(s) are specifically established must be less than or equal to the motor vehicle emissions budget(s) established for the most recent prior year. For example, emissions in years after the attainment year for which the implementation plan does not establish a budget must be less than or equal to the motor vehicle emissions budget(s) for the attainment year.

2. When a maintenance plan has been submitted—

- A. Emissions must be less than or equal to the motor vehicle emissions budget(s) established for the last year of the maintenance plan, and for any other years for which the maintenance plan establishes motor vehicle emissions budgets. If the maintenance plan does not establish motor vehicle emissions budgets for any years other than the last year of the maintenance plan, the demonstration of consistency with the motor vehicle emissions budget(s) must be accompanied by a qualitative finding that there are no factors which would cause or contribute to a new violation or exacerbate an existing violation in the years before the last year of the maintenance plan. The interagency consultation process required by section (5) shall determine what must be considered in order to make such a finding;
- B. For years after the last year of the maintenance plan, emissions must be less than or equal to the maintenance plan's motor vehicle emissions budget(s) for the last year of the maintenance plan; ~~and~~
- C. If an approved **and/or submitted** control strategy implementation plan has established motor vehicle emissions budgets for years in the time frame of the transportation plan, emissions in these years must be less than or equal to the control strategy implementation plan's motor vehicle emissions budget(s) for these years[-]; **and**
- D. **For any analysis years before the last year of the maintenance plan, emissions must be less than or equal to the motor vehicle emissions budget(s) established for the most recent prior year.**

- (C) Consistency with the motor vehicle emissions budget(s) must be demonstrated for each pollutant or pollutant precursor in subsection (2)(B) for which the area is in nonattainment or maintenance and for which the applicable implementation plan (or implementation plan submission) establishes a motor vehicle emissions budget.
- (D) Consistency with the motor vehicle emissions budget(s) must be demonstrated by including emissions from the entire transportation system, including all regionally significant projects contained in the transportation plan and all other regionally significant highway and transit projects expected in the nonattainment or maintenance area in the time frame of the transportation plan.
1. Consistency with the motor vehicle emissions budget(s) must be demonstrated with a regional emissions analysis that meets the requirements of section [(24)](22) and subparagraph (5)(C)1.A.
 2. The regional emissions analysis may be performed for any years in the time frame of the transportation plan provided they are not more than ten (10) years apart and provided the analysis is performed for the attainment year (if it is in the time frame of the transportation plan) and the last year of the plan's forecast period. Emissions in years for which consistency with motor vehicle emissions budgets must be demonstrated, as required in subsection (B) of this section, may be determined by interpolating between the years for which the regional emissions analysis is performed.
- (E) Motor Vehicle Emissions Budgets in Submitted Control Strategy Implementation Plan Revisions and Submitted Maintenance Plans.
1. Consistency with the motor vehicle emissions budgets in submitted control strategy implementation plan revisions or maintenance plans must be demonstrated if EPA has declared the motor vehicle emissions budget(s) adequate for transportation conformity purposes, ~~[or beginning forty five (45) days after the control strategy implementation plan revision or maintenance plan has been submitted (unless EPA has declared the motor vehicle emissions budget(s) inadequate for transportation conformity purposes). However, submitted implementation plans do not supercede the motor vehicle emissions budgets in approved implementation plans for the period of years addressed by the approved implementation plan.]~~ **and the adequacy finding is effective. However, motor vehicle emissions budgets in submitted implementation plans do not supercede the motor vehicle emissions budgets in approved implementation plans for the same Clean Air Act requirement and the period of years addressed by the previously approved implementation plan, unless EPA specifies otherwise in its approval of a SIP.**
 2. If EPA has **not** declared an implementation plan submission's motor vehicle emissions budget(s) ~~[inadequate]~~**adequate** for transportation conformity purposes, the ~~[inadequate]~~ budget(s) shall

not be used to satisfy the requirements of this section. Consistency with the previously established motor vehicle emissions budget(s) must be demonstrated. If there are no previous approved implementation plans or implementation plan submissions with **adequate** motor vehicle emissions budgets, the **interim** emissions [~~reduction~~] tests required by section [(18)](19) must be satisfied.

3. If EPA declares an implementation plan submission's motor vehicle emissions budget(s) inadequate for transportation conformity purposes [~~more than forty-five (45) days after its submission to EPA~~]**after EPA had previously found the budget(s) adequate**, and conformity of a transportation plan or TIP has already been determined by DOT using the budget(s), the conformity determination will remain valid. Projects included in that transportation plan or TIP could still satisfy sections (14) and (15), which require a currently conforming transportation plan and TIP to be in place at the time of a project's conformity determination and that projects come from a conforming transportation plan and TIP.
4. EPA will not find a motor vehicle emissions budget in a submitted control strategy implementation plan revision or maintenance plan to be adequate for transportation conformity purposes unless the following minimum criteria are satisfied:
 - A. The submitted control strategy implementation plan revision or maintenance plan was endorsed by the governor (or his or her designee) and was subject to a state public hearing;
 - B. Before the control strategy implementation plan or maintenance plan was submitted to EPA, consultation among federal, state, and local agencies occurred; full implementation plan documentation was provided to EPA; and EPA's stated concerns, if any, were addressed;
 - C. The motor vehicle emissions budget(s) is clearly identified and precisely quantified;
 - D. The motor vehicle emissions budget(s), when considered together with all other emissions sources, is consistent with applicable requirements for reasonable further progress, attainment, or maintenance (whichever is relevant to the given implementation plan submission);
 - E. The motor vehicle emissions budget(s) is consistent with and clearly related to the emissions inventory and the control measures in the submitted control strategy implementation plan revision or maintenance plan; and
 - F. Revisions to previously submitted control strategy implementation plans or maintenance plans explain and document any changes to previously submitted budgets and control measures; impacts on point and area source emissions; any changes to established safety margins (see section (1) for definition); and reasons for the changes

(including the basis for any changes related to emission factors or estimates of vehicle miles traveled).

5. Before determining the adequacy of a submitted motor vehicle emissions budget, EPA will review the state's compilation of public comments and response to comments that are required to be submitted with any implementation plan. EPA will document its consideration of such comments and responses in a letter to the state indicating the adequacy of the submitted motor vehicle emissions budget.
6. When the motor vehicle emissions budget(s) used to satisfy the requirements of this section are established by an implementation plan submittal that has not yet been approved or disapproved by EPA, the MPO and DOT's conformity determinations will be deemed to be a statement that the MPO and DOT are not aware of any information that would indicate that emissions consistent with the motor vehicle emissions budget will cause or contribute to any new violation of any standard; increase the frequency or severity of any existing violation of any standard; or delay timely attainment of any standard or any required interim emission reductions or other milestones.

(G) Adequacy review process for implementation plan submissions. EPA will use the procedure listed in paragraph (F)1. or (F)2. of this section to review the adequacy of an implementation plan submission—

1. **When EPA reviews the adequacy of an implementation plan submission prior to EPA's final action on the implementation plan—**
 - A. **EPA will notify the public through EPA's website when EPA receives an implementation plan submission that will be reviewed for adequacy.**
 - B. **The public will have a minimum of thirty (30) days to comment on the adequacy of the implementation plan submission. If the complete implementation plan is not accessible electronically through the Internet and a copy is requested within fifteen (15) days of the date of the website notice, the comment period will be extended for thirty (30) days from the date that a copy of the implementation plan is mailed.**
 - C. **After the public comment period closes, EPA will inform the state in writing whether EPA has found the submission adequate or inadequate for use in transportation conformity, including response to any comments submitted directly and review of comments submitted through the state process, or EPA will include the determination of adequacy or inadequacy in a proposed or final action approving or disapproving the**

implementation plan under subparagraph (F)2.C. of this section.

- D. EPA will establish a *Federal Register* notice to inform the public of EPA's finding. If EPA finds the submission adequate, the effective date of this finding will be fifteen (15) days from the date the notice is published as established in the *Federal Register* notice, unless EPA is taking a final approval action on the SIP as described in subparagraph (F)2.C. of this section.
- E. EPA will announce whether the implementation plan submission is adequate or inadequate for use in transportation conformity on EPA's website. The website will also include EPA's response to comments if any comments were received during the public comment period.
- F. If after EPA has found a submission adequate, EPA has cause to reconsider this finding, EPA will repeat actions described in subparagraphs (F)1.A. through E. or paragraph (F)2. of this section unless EPA determines that there is no need for additional public comment given the deficiencies of the implementation plan submission. In all cases where EPA reverses its previous finding to a finding of inadequacy under paragraph (F)1. of this section, such a finding will become effective immediately upon the date of EPA's letter to the State.
- G. If after EPA has found a submission inadequate, EPA has cause to reconsider the adequacy of that budget, EPA will repeat actions described in subparagraphs (F)1.A. through E. or paragraph (F)2. of this section.

2. When EPA reviews the adequacy of an implementation plan submission simultaneously with EPA's approval or disapproval of the implementation plan—

- A. EPA's *Federal Register* notice of proposed or direct final rulemaking will serve to notify the public that EPA will be reviewing the implementation plan submission for adequacy.
- B. The publication of the notice of proposed rulemaking will start a public comment period of at least thirty (30) days.
- C. EPA will indicate whether the implementation plan submission is adequate and thus can be used for conformity either in EPA's final rulemaking or through the process described in subparagraphs (F)1.C. through E. of this section. If EPA makes an adequacy finding through a final rulemaking that approves the implementation plan submission, such a finding will

become effective upon the publication of EPA's approval in the *Federal Register*, or upon the effective date of EPA's approval if such action is conducted through direct final rulemaking. EPA will respond to comments received directly and review comments submitted through the state process and include the response to comments in the applicable docket.

~~[(18)]~~(19) Criteria and Procedures—**Interim Emissions** ~~[Reductions]~~ in Areas without Motor Vehicle Emissions Budgets.

- (A) The transportation plan, TIP, and project not from a conforming transportation plan and TIP ~~[must contribute to emissions reductions]~~ **satisfy the interim emissions test(s) as described in subsections (9)(C) through (L).** This criterion applies ~~[as described in subsection (9)(C). It applies]~~ to the net effect of the action (transportation plan, TIP, or project not from a conforming transportation plan and TIP) on motor vehicle emissions from the entire transportation system.
- (B) ~~[This criterion may be met in moderate and above ozone nonattainment areas that are subject to the reasonable further progress requirements of CAA section 182(b)(1) and in moderate with design value greater than 12.7 ppm and serious CO nonattainment areas if a regional emissions analysis that satisfies the requirements of section (21) and subsections (E) through (H) of this section demonstrates that for each analysis year and for each of the pollutants described in subsection (D) of this section]~~ **Ozone areas. The requirements of this paragraph apply to all 1-hour ozone and 8-hour ozone NAAQS areas, except for certain requirements as indicated. This criterion may be met—**
1. ~~[The emissions predicted in the "Action" scenario are less than the emissions predicted in the "Baseline" scenario, and this can be reasonably expected to be true in the periods between the analysis years; and]~~ **In moderate and above ozone nonattainment areas that are subject to the reasonable further progress requirements of CAA section 182(b)(1) if a regional emissions analysis that satisfies the requirements of section (22) and subsections (G) through (J) of this section demonstrates that for each analysis year and for each of the pollutants described in subsection (F) of this section—**
 - ~~[2.——The emissions predicted in the "Action" scenario are lower than 1990 emissions by any nonzero amount.]~~
 - A. **The emissions predicted in the “Action” scenario are less than the emissions predicted in the “Baseline” scenario, and this can be reasonably expected to be true in the periods between the analysis years; and**

- B.** The emissions predicted in the “Action” scenario are lower than—
- (I)** 1990 emissions by any nonzero amount, in areas for the one (1)-hour ozone NAAQS as described in subsection (9)(C); or
 - (II)** 2002 emissions by any nonzero amount, in areas for the eight (8)-hour ozone NAAQS as described in subsections (9)(D) and (E).
- 2.** In marginal and below ozone nonattainment areas and other ozone nonattainment areas that are not subject to the reasonable further progress requirements of CAA section 182(b)(1) if a regional emissions analysis that satisfies the requirements of section (22) and subsections (G) through (J) of this section demonstrates that for each analysis year and for each of the pollutants described in subsection (F) of this section—
- A.** The emissions predicted in the “Action” scenario are not greater than the emissions predicted in the “Baseline” scenario, and this can be reasonably expected to be true in the periods between the analysis years; or
 - B.** The emissions predicted in the “Action” scenario are not greater than—
 - (I)** 1990 emissions, in areas for the one (1)-hour ozone NAAQS as described in subsection (9)(C); or
 - (II)** 2002 emissions, in areas for the eight (8)-hour ozone NAAQS as described in subsections (9)(D) and (E).
- (C)** **CO areas.** This criterion may be met—
- 1.** In moderate areas with design value greater than 12.7 ppm and serious CO nonattainment areas that are subject to CAA section 187(a)(7) if a regional emissions analysis that satisfies the requirements of section (22) and subsections (G) through (J) of this section demonstrates that for each analysis year and for each of the pollutants described in subsection (F) of this section—
- A.** The emissions predicted in the “Action” scenario are less than the emissions predicted in the “Baseline” scenario, and this can be reasonably expected to be true in the periods between the analysis years; and
 - B.** The emissions predicted in the “Action” scenario are lower than 1990 emissions by any nonzero amount.
- 2.** In moderate areas with design value less than 12.7 ppm and not classified CO nonattainment areas if a regional emissions analysis that satisfies the requirements of section (22) and subsections (G) through (J) of this section demonstrates that for

each analysis year and for each of the pollutants described in subsection (F) of this section—

- A. The emissions predicted in the “Action” scenario are not greater than the emissions predicted in the “Baseline” scenario, and this can be reasonably expected to be true in the periods between the analysis years; or
- B. The emissions predicted in the “Action” scenario are not greater than 1990 emissions.

~~[(C)]~~(D) **PM₁₀ and NO₂ areas.** This criterion may be met in PM₁₀ and NO₂ nonattainment areas ~~[- marginal and below ozone nonattainment areas and other ozone nonattainment areas that are not subject to the reasonable further progress requirements of CAA section 182(b)(1); and moderate with design value less than 12.7 ppm and below CO nonattainment areas if]~~ a regional emissions analysis that satisfies the requirements of section ~~[(21)]~~(22) and subsections ~~[(E)]~~(G) and ~~[(F)]~~(J) of this section demonstrates that for each analysis year and for each of the pollutants described in subsection ~~[(D)]~~(F) of this section, one (1) of the following requirements is met~~[-]~~—

- 1. The emissions predicted in the “Action” scenario are ~~[less]~~**not greater** than the emissions predicted in the “Baseline” scenario, and this can be reasonably expected to be true in the periods between the analysis years; or
- 2. The emissions predicted in the “Action” scenario are not greater than baseline emissions. Baseline emissions are those estimated to have occurred during calendar year 1990, unless a conformity plan defines the baseline emissions for a PM₁₀ area to be those occurring in a different calendar year for which a baseline emissions inventory was developed for the purpose of developing a control strategy implementation plan.

(E) **PM_{2.5} areas.** This criterion may be met in PM_{2.5} nonattainment areas if a regional emissions analysis that satisfies the requirements of section (22) and subsections (G) and (J) of this section demonstrates that for each analysis year and for each of the pollutants described in paragraph (F) of this section, one of the following requirements is met—

- 1. The emissions predicted in the “Action” scenario are not greater than the emissions predicted in the “Baseline” scenario, and this can be reasonably expected to be true in the periods between the analysis years; or
- 2. The emissions predicted in the “Action” scenario are not greater than 2002 emissions.

~~[(D)]~~(F) **Pollutants.** The regional emissions analysis must be performed for the following pollutants:

- 1. VOC in ozone areas;
- 2. NO_x in ozone areas, unless the EPA administrator determines that additional reductions of NO_x would not contribute to attainment;
- 3. CO in CO areas;
- 4. PM₁₀ in PM₁₀ areas;

5. ~~[Transportation-related precursors of PM₁₀ in PM₁₀ nonattainment and maintenance areas]~~ **VOC and/or NO_x in PM₁₀ areas** if the EPA regional administrator or the director of the state air agency has made a finding that **one or both of** such precursor emissions from within the area are a significant contributor to the PM₁₀ nonattainment problem and has so notified the MPO and DOT;
[and]
6. NO_x in NO₂ areas[-];
7. **PM_{2.5} in PM_{2.5} areas; and**
8. **Re-entrained road dust in PM_{2.5} areas only if the EPA regional administrator or the director of the state air agency has made a finding that emissions from re-entrained road dust within the area are a significant contributor to the PM_{2.5} nonattainment problem and has so notified the MPO and DOT.**

~~[(E)]~~(G) Analysis years.

1. The regional emissions analysis must be performed for analysis years that are no more than ten (10) years apart. The first analysis year must be no more than five (5) years beyond the year in which the conformity determination is being made. The last year of transportation plan's forecast period must also be an analysis year.
2. **For areas using subparagraphs (B)2.A., (C)2.A. and paragraphs (D)1. and (E)1. of this section, a regional emissions analysis that satisfies the requirements of section (22) and subsections (G) and (J) of this section would not be required for analysis years in which the transportation projects and planning assumption in the “Action” and “Baseline” scenarios are exactly the same. In such a case, subsection (A) of this section can be satisfied by documenting that the transportation projects and planning assumptions in both scenarios are exactly the same, and consequently, the emissions predicted in the “Action” scenario are not greater than the emissions predicted in the “Baseline” scenario for such analysis years.**

~~[(F)]~~(H) “Baseline” scenario. The regional emissions analysis required by subsections (B) ~~[and (C)]~~ **through (E)** of this section must estimate the emissions that would result from the “Baseline” scenario in each analysis year. The “Baseline” scenario must be defined for each of the analysis years. The “Baseline” scenario is the future transportation system that will result from current programs, including the following (except that exempt projects listed in section ~~[(25)]~~ **(26)** and projects exempt from regional emissions analysis as listed in section ~~[(26)]~~ **(27)** need not be explicitly considered):

1. All in-place regionally significant highway and transit facilities, services and activities;
2. All ongoing travel demand management or transportation system management activities; and
3. Completion of all regionally significant projects, regardless of funding source, which are currently under construction or are

undergoing right-of-way acquisition (except for hardship acquisition and protective buying); come from the first year of the previously conforming transportation plan and/or TIP; or have completed the NEPA process.

- ~~[(G)]~~(I) “Action” scenario. The regional emissions analysis required by subsections (B) ~~[and (C)]~~**through (E)** of this section must estimate the emissions that would result from the “Action” scenario in each analysis year. The “Action” scenario must be defined for each of the analysis years. The “Action” scenario is the transportation system that would result from the implementation of the proposed action (transportation plan, TIP, or project not from a conforming transportation plan and TIP) and all other expected regionally significant projects in the nonattainment area. The “Action” scenario must include the following (except that exempt projects listed in section ~~[(25)]~~**(26)** and projects exempt from regional emissions analysis as listed in section ~~[(26)]~~**(27)** need not be explicitly considered):
1. All facilities, services, and activities in the “Baseline” scenario;
 2. Completion of all TCMs and regionally significant projects (including facilities, services, and activities) specifically identified in the proposed transportation plan which will be operational or in effect in the analysis year, except that regulatory TCMs may not be assumed to begin at a future time unless the regulation is already adopted by the enforcing jurisdiction or the TCM is identified in the applicable implementation plan;
 3. All travel demand management programs and transportation system management activities known to the MPO, but not included in the applicable implementation plan or utilizing any federal funding or approval, which have been fully adopted and/or funded by the enforcing jurisdiction or sponsoring agency since the last conformity determination;
 4. The incremental effects of any travel demand management programs and transportation system management activities known to the MPO, but not included in the applicable implementation plan or utilizing any federal funding or approval, which were adopted and/or funded prior to the date of the last conformity determination, but which have been modified since then to be more stringent or effective;
 5. Completion of all expected regionally significant highway and transit projects which are not from a conforming transportation plan and TIP; and
 6. Completion of all expected regionally significant non-FHWA/FTA highway and transit projects that have clear funding sources and commitments leading toward their implementation and completion by the analysis year.
- ~~[(H)]~~(J) Projects not from a conforming transportation plan and TIP. For the regional emissions analysis required by subsections (B) ~~[and (C)]~~**through (E)** of this section, if the project which is not from a conforming transportation plan and

TIP is a modification of a project currently in the plan or TIP, the “Baseline” scenario must include the project with its original design concept and scope, and the “Action” scenario must include the project with its new design concept and scope.

[(49)](20) Consequences of Controlled Strategy Implementation Plan Failures.

(A) Disapprovals.

1. If EPA disapproves any submitted control strategy implementation plan revision (with or without a protective finding) the conformity status of the transportation plan and TIP shall lapse on the date that highway sanctions as a result of the disapproval are imposed on the nonattainment area under section 179(b)(1) of the CAA. No new transportation plan, TIP, or project may be found to conform until another control strategy implementation plan revision fulfilling the same CAA requirements is submitted and conformity to this submission is determined.
2. If EPA disapproves a submitted control strategy implementation plan revision without making a protective finding, ~~[then beginning one hundred twenty (120) days after such disapproval, only projects in the first three (3) years of the currently conforming transportation plan and TIP may be found to conform. This means that beginning one hundred twenty (120) days after disapproval without a protective finding, no transportation plan, TIP, or project not in the first three (3) years of the currently conforming plan and TIP may be found to conform until another control strategy implementation plan revision fulfilling the same CAA requirements is submitted and conformity to this submission is determined. During the first one hundred twenty (120) days following EPA's disapproval without a protective finding, transportation plan, TIP, and project conformity determinations shall be made using the motor vehicle emissions budget(s) in the disapproved control strategy implementation plan revision, unless another control strategy implementation plan revision has been submitted and its motor vehicle emissions budget(s) applies for transportation conformity purposes pursuant to section (9).]~~ **only projects in the first three (3) years of the currently conforming transportation plan and TIP may be found to conform. This means that beginning on the effective date of disapproval without a protective finding, no transportation plan, TIP, or project not in the first three (3) years of the currently conforming transportation plan and TIP may be found to conform until another control strategy implementation plan revision fulfilling the same CAA requirements is submitted, EPA finds its motor vehicle emissions budget(s) adequate pursuant to section (18) of this rule or approves the submission, and conformity to the implementation plan revision is determined.**

3. In disapproving a control strategy implementation plan revision, EPA would give a protective finding where a submitted plan contains adopted control measures or written commitments to adopt enforceable control measures that fully satisfy the emissions reductions requirements relevant to the statutory provision for which the implementation plan revision was submitted, such as reasonable further progress or attainment.
- (B) Failure to Submit and Incompleteness. In areas where EPA notifies the state, MPO, and DOT of the state's failure to submit a control strategy implementation plan or submission of an incomplete control strategy implementation plan revision, (either of which initiates the sanction process under CAA section 179 or 110(m)), the conformity status of the transportation plan and TIP shall lapse on the date that highway sanctions are imposed on the nonattainment area for such failure under section 179(b)(1) of the CAA, unless the failure has been remedied and acknowledged by a letter from the EPA regional administrator.
- (C) Federal Implementation Plans. If EPA promulgates a federal implementation plan that contains motor vehicle emissions budget(s) as a result of a state failure, the conformity lapse imposed by this section because of that state failure is removed.

~~[(20)](21)~~ Requirements for Adoption or Approval of Projects by Other Recipients of Funds Designated Under Title 23 U.S.C. or the Federal Transit Laws. ~~[No recipient of federal funds designated under Title 23 U.S.C. or the Federal Transit Laws shall adopt or approve a regionally significant highway or transit project, regardless of funding source, unless the recipient finds that the requirements of one of the following are met:]~~

- (A) ~~{The project was included in the first three (3) years of the most recently conforming transportation plan and TIP (or the conformity determination's regional emissions analyses), even if conformity status is currently lapsed; and the project's design concept and scope has not changed significantly from those analyses; or}~~ **Except as provided in subsection (B) of this section, no recipient of Federal funds designated under Title 23 U.S.C. or the federal Transit Laws shall adopt or approve a regionally significant highway or transit project, regardless of funding source, unless the recipient finds that the requirements of one (1) of the following are met:**
 1. **The project comes from the currently conforming transportation plan and TIP, and the project's design concept and scope have not changed significantly from those which were included in the regional emissions analysis for that transportation plan and TIP;**
 2. **The project is included in the regional emissions analysis for the currently conforming transportation plan and TIP conformity determination (even if the project is not strictly included in the transportation plan or TIP for the purpose of MPO project selection or endorsement) and the project's design concept and**

scope have not changed significantly from those which were included in the regional emissions analysis; or

3. **A new regional emissions analysis including the project and the currently conforming transportation plan and TIP demonstrates that the transportation plan and TIP would still conform if the project were implemented (consistent with the requirements of sections (18) and/or (19) for a project not from a conforming transportation plan and TIP).**

(B) ~~[There is a currently conforming transportation plan and TIP, and a new regional emissions analysis including the project and the currently conforming transportation plan and TIP demonstrates that the transportation plan and TIP would still conform if the project were implemented (consistent with the requirements of sections (17) and/or (18) for a project not from a conforming transportation plan and TIP).]~~ **In isolated rural nonattainment and maintenance areas subject to subsection (9)(A), no recipient of federal funds designated under Title 23 U.S.C. or the Federal Transit Laws shall adopt or approve a regionally significant highway or transit project, regardless of funding source, unless the recipient finds that the requirements of one (1) of the following are met:**

1. **The project was included in the regional emissions analysis supporting the most recent conformity determination that reflects the portion of the statewide transportation plan and statewide TIP which are in the nonattainment or maintenance area, and the project's design concept and scope has not changed significantly; or**
2. **A new regional emissions analysis including the project and all other regionally significant projects expected in the nonattainment or maintenance area demonstrates that those projects in the statewide transportation plan and statewide TIP which are in the nonattainment or maintenance area would still conform if the project was implemented (consistent with the requirements of sections (18) and/or (19) for projects not from a conforming transportation plan and TIP).**

(C) **Notwithstanding subsections (A) and (B) of this section, in nonattainment and maintenance areas subject to subsections (9)(J) or (K) for a given pollutant/precursor and NAAQS, no recipient of federal funds designated under Title 23 U.S.C. or the Federal Transit Laws shall adopt or approve a regionally significant highway or transit project, regardless of funding source, unless the recipient finds that the requirements of one (1) of the following are met for that pollutant/precursor and NAAQS:**

1. **The project was included in the most recent conformity determination for the transportation plan and TIP and the project's design concept and scope has not changed significantly; or**

2. **The project was included in the most recent conformity determination that reflects the portion of the statewide transportation plan and statewide TIP which are in the nonattainment or maintenance area, and the project's design concept and scope has not changed significantly.**

~~[(21)]~~(22) Procedures for Determining Regional Transportation-Related Emissions.

(A) General Requirements.

1. The regional emissions analysis required by section ~~[(17)]~~(18) and section ~~[(18)]~~(19) of this rule for the transportation plan, TIP, or project not from a conforming plan and TIP must include all regionally significant projects expected in the nonattainment or maintenance area. The analysis shall include FHWA/FTA projects proposed in the transportation plan and TIP and all other regionally significant projects which are disclosed to the MPO as required by section (5) of this rule. Projects which are not regionally significant are not required to be explicitly modeled, but vehicle miles traveled (VMT) from such projects must be estimated in accordance with reasonable professional practice. The effects of TCMs and similar projects that are not regionally significant may also be estimated in accordance with reasonable professional practice.
2. The emissions analysis may not include for emissions reduction credit any TCMs or other measures in the applicable implementation plan which have been delayed beyond the scheduled date(s) until such time as their implementation has been assured. If the measure has been partially implemented and it can be demonstrated that it is providing quantifiable emission reduction benefits, the emissions analysis may include that emissions reduction credit.
3. Emissions reduction credit from projects, programs, or activities which require a regulatory action in order to be implemented may not be included in the emissions analysis unless—
 - A. The regulatory action is already adopted by the enforcing jurisdiction;
 - B. The project, program, or activity is included in the applicable implementation plan;
 - C. The control strategy implementation plan submission or maintenance plan submission that establishes the motor vehicle emissions budget(s) for the purposes of section ~~[(17)]~~(18) contains a written commitment to the project, program, or activity by the agency with authority to implement it; or
 - D. EPA has approved an opt-in to a federally enforced program, EPA has promulgated the program (if the control program is a federal responsibility, such as tailpipe standards), or the Clean Air Act requires the program

without need for individual state action and without any discretionary authority for EPA to set its stringency, delay its effective date, or not implement the program.

4. Notwithstanding paragraph ~~[(21)]~~(22)(A)3. **of this rule**, emission reduction credit from control measures that are not included in the transportation plan and TIP and that do not require a regulatory action in order to be implemented may not be included in the emissions analysis unless the conformity determination includes written commitments to implementation from appropriate entities.
 - A. Persons or entities voluntarily committing to control measures must comply with the obligations of such commitments.
 - B. Written commitments to mitigation measures must be obtained prior to a conformity determination, and project sponsors must comply with such commitments.
 5. A regional emissions analysis for the purpose of satisfying the requirements of section ~~[(18)]~~(19) must make the same assumptions in both the “Baseline” and “Action” scenarios regarding control measures that are external to the transportation system itself, such as vehicle tailpipe or evaporative emission standards, limits on gasoline volatility, vehicle inspection and maintenance programs, and oxygenated or reformulated gasoline or diesel fuel.
 6. The ambient temperatures used for the regional emissions analysis shall be consistent with those used to establish emissions budget in the applicable implementation plan. All other factors, for example the fraction of travel in a hot stabilized engine mode, must be consistent with the applicable implementation plan, unless modified after interagency consultation in accordance with subparagraph (5)(C)1.A. to incorporate additional or more geographically specific information or represent a logically estimated trend in such factors beyond the period considered in the applicable implementation plan.
 7. Reasonable methods shall be used to estimate nonattainment or maintenance area vehicle miles traveled (VMT) on off-network roadways within the urban transportation planning area, and on roadways outside the urban transportation planning area.
- (B) Regional emissions analysis in serious, severe, and extreme ozone nonattainment and serious carbon monoxide areas must meet the requirements of paragraphs (B)1. through 3. of this section if their metropolitan planning area contains an urbanized area population over two hundred thousand (200,000).
1. Beginning January 1, 1997, estimates of regional transportation-related emissions used to support conformity determinations must be made at a minimum using network-based travel models according to procedures and methods that are available and in practice and supported by current and available documentation.

These procedures, methods, and practices are available from DOT and will be updated periodically. Agencies must discuss these modeling procedures and practices through the interagency consultation process, as required by subparagraph (5)(C)1.A. Network-based travel models must at a minimum satisfy the following requirements[;]—

- A. Network-based travel models must be validated against observed counts (peak and off-peak, if possible) for base year that is not more than ten (10) years prior to the date of the conformity determination. Model forecasts must be analyzed for reasonableness and compared to historical trends and other factors, and the results must be documented;
 - B. Land use, population, employment, and other network-based travel model assumptions must be documented and based on the best available information;
 - C. Scenarios of land development and use must be consistent with the future transportation system alternatives for which emissions are being estimated. The distribution of employment and residences for different transportation options must be reasonable;
 - D. A capacity-sensitive assignment methodology must be used, and emissions estimates must be based on a methodology which differentiates between peak and off-peak link volumes and speeds and uses of speeds based on final assigned volumes;
 - E. Zone-to-zone travel impedances used to distributive trips between origin and destination pairs must be in reasonable agreement with the travel times that are estimated from final assigned traffic volumes. Where use of transit currently is anticipated to be a significant factor in satisfying transportation demand, these times should also be used for modeling mode splits; and
 - F. Network-based travel models must be reasonably sensitive to changes in the time(s), cost(s), and other factors affecting travel choices.
- 2. Reasonable methods in accordance with good practice must be used to estimate traffic speeds and delays in a manner that is sensitive to the estimated volume of travel on each roadway segment represented in the network-based travel model.
 - 3. Highway Performance Monitoring System (HPMS) estimates of vehicle miles traveled (VMT) shall be considered the primary measure of VMT within the portion of the nonattainment or maintenance area and for the functional classes of roadways included in HPMS, for urban areas which are sampled on a separate urban area basis. For areas with network-based travel models, a

factor (or factors) may be developed to reconcile and calibrate the network-based travel model estimates of VMT in the base year of its validation to the HPMS estimates for the same period. These factors may then be applied to model estimates of future VMT. In this factoring process, consideration will be given to differences between HPMS and network-based travel models, such as differences in the facility coverage of the HPMS and the modeled network description. Locally developed count-based programs and other departures from these procedures are permitted subject to the interagency consultation procedures of subparagraph (5)(C)1.A.

(C) **Two(2)-year grace period for regional emissions analysis requirements in certain ozone and CO areas. The requirements of subsection (B) of this section apply to such areas or portions of such areas that have not previously been required to meet these requirements for any existing NAAQS two (2) years from the following:**

1. **The effective date of EPA's reclassification of an ozone or CO nonattainment area that has an urbanized area population greater than two hundred thousand (>200,000) to serious or above;**
2. **The official notice by the Census Bureau that determines the urbanized area population of a serious or above ozone or CO nonattainment area to be greater than two hundred thousand (>200,000); or**
3. **The effective date of EPA's action that classifies a newly designated ozone or CO nonattainment area that has an urbanized area population greater than two hundred thousand (>200,000) as serious or above.**

~~[(C)]~~(D) In all areas not otherwise subject to subsection (B) of this section, regional emissions analyses must use those procedure described in subsection (B) of this section if the use of those procedures has been the previous practice of the MPO. Otherwise, areas not subject to subsection (B) of this section may estimate regional emissions using any appropriate methods that account for VMT growth by, for example, extrapolating historical VMT or projecting future VMT by considering growth in population and historical growth trends for VMT per person. These methods must also consider future economic activity, transit alternatives, and transportation system policies.

~~[(D)]~~(E) PM₁₀ from Construction-Related Fugitive Dust.

1. For areas in which the implementation plan does not identify construction-related fugitive PM₁₀ as a contributor to the nonattainment problem, the fugitive PM₁₀ emissions associated with highway and transit project construction are not required to be considered in the regional emissions analysis.
2. In PM₁₀ nonattainment and maintenance areas with implementation plans which identify construction-related fugitive PM₁₀ as a contributor to the nonattainment problem, the regional PM₁₀ emissions analysis shall consider construction-related fugitive PM₁₀

and shall account for the level of construction activity, the fugitive PM₁₀ control measures in the applicable implementation plan, and the dust-producing capacity of the proposed activities.

(F) PM_{2.5} from Construction-Related Fugitive Dust.

- 1. For PM_{2.5} areas in which the implementation plan does not identify construction-related fugitive PM_{2.5} as a significant contributor to the nonattainment problem, the fugitive PM_{2.5} emissions associated with highway and transit project construction are not required to be considered in the regional emissions analysis.**
- 2. In PM_{2.5} nonattainment and maintenance areas with implementation plans which identify construction-related fugitive PM_{2.5} as a significant contributor to the nonattainment problem, the regional PM_{2.5} emissions analysis shall consider construction-related fugitive PM_{2.5} and shall account for the level of construction activity, the fugitive PM_{2.5} control measures in the applicable implementation plan, and the dust-producing capacity of the proposed activities.**

~~(E)~~(G) Reliance on Previous Regional Emissions Analysis.

- 1. Conformity determinations for a new transportation plan and/or ~~The~~ TIP may be demonstrated to satisfy the requirements of section ~~(17)~~(18) Motor Vehicle Emissions Budget or section ~~(18)~~(19) Interim Emissions ~~Reductions~~ in Areas without Motor Vehicle Emissions Budgets of this rule without new regional analysis if the **previous** regional emissions analysis ~~already performed for the plan~~ also applies to the **new plan and/or TIP**. This requires a demonstration that—**
 - A. The **new plan and/or** TIP contains all projects which must be started in the **plan and** TIP's time frames in order to achieve the highway and transit system envisioned by the transportation plan;**
 - B. All **plan and** TIP projects which are regionally significant are included in the transportation plan with design concept and scope adequate to determine their contribution to the transportation plan's **and/or TIP's** regional emissions at the time of the ~~transportation plan's~~**previous** conformity determination; ~~and~~**
 - C. The design concept and scope of each regionally significant project in the **new plan and/or** TIP is not significantly different from that described in the **previous** transportation plan~~[-]; and~~**
 - D. The **previous** regional emissions analysis is consistent with the requirements of section (18) (including that conformity to all currently applicable budgets is demonstrated) and/or section (19), as applicable.**

2. A project which is not from a conforming transportation plan and a conforming TIP may be demonstrated to satisfy the requirements of section ~~[(17)]~~**(18)** or section ~~[(18)]~~**(19)** of this rule without additional regional emissions analysis if allocating funds to the project will not delay the implementation of projects in the transportation plan or TIP which are necessary to achieve the highway and transit system envisioned by the transportation plan, **the previous regional emissions analysis is still consistent with the requirements of section (18) (including that conformity to all currently applicable budgets is demonstrated) and/or section (19) as applicable**, and if the project is either—
 - A. Not regionally significant; or
 - B. Included in the conforming transportation plan (even if it is not specifically included in the latest conforming TIP) with design concept and scope adequate to determine its contribution to the transportation plan's regional emissions at the time of the transportation plan's conformity determination, and the design concept and scope of the project is not significantly different from that described in the transportation plan.
3. **A conformity determination that relies on subsection (G) of this section does not satisfy the frequency requirements of subsection (4)(B) or (C).**

~~[(22)]~~**(23)** Procedures for Determining Localized CO and PM₁₀ Concentrations (Hot-Spot Analysis).

(A) CO Hot-Spot Analysis.

1. The demonstrations required by section (16) Localized CO Violations must be based on quantitative analysis using air quality models, databases, and other requirements specified in 40 CFR part 51, Appendix W Guideline on Air Quality Models. These procedures shall be used in the following cases, unless different procedures developed through the interagency consultation process required in section (5) and approved by the EPA regional administrator are used:
 - A. For projects in or affecting locations, areas, or categories of sites which are identified in the applicable implementation plan as sites of violation or possible violation;
 - B. For projects affecting intersections that are at Level-of-Service D, E, or F, or those that will change to Level-of-Service D, E, or F because of increased traffic volumes related to the project;
 - C. For any project affecting one or more of the top three (3) intersections in the nonattainment or maintenance area with highest traffic volumes, as identified in the applicable implementation plan; and

- D. For any project affecting one or more of the top three (3) intersections in the nonattainment or maintenance area with the worst level-of-service, as identified in the applicable implementation plan.
 - 2. In cases other than those described in paragraph (A)1. of this section, the demonstrations required by section (16) may be based on either—
 - A. Quantitative methods that represent reasonable and common professional practice; or
 - B. A quantitative consideration of local factors, if this can provide a clear demonstration that the requirements of section (16) are met.
- (B) General Requirements.
 - 1. Estimated pollutant concentrations must be based on the total emissions burden which may result from the implementation of the project, summed together with future background concentrations. The total concentrations must be estimated and analyzed at appropriate receptor locations in the area substantially affected by the project.
 - 2. CO hot-spot analyses must include the entire project, and may be performed only after the major design features which will significantly impact CO concentrations have been identified. The future background concentration should be estimated by multiplying current background by the ratio of future to current traffic and the ratio of future to current emission factors.
 - 3. Hot-spot analysis assumptions must be consistent with those in the regional emissions analysis for those inputs which are required for both analyses.
 - 4. CO mitigation or control measures shall be assumed in the hot-spot analysis only where there are written commitments from the project sponsor and/or operator to implement such measures, as required by subsection [(24)](25)(A).
 - 5. CO hot-spot analyses are not required to consider construction-related activities which cause temporary increases in emissions. Each site which is affected by construction-related activities shall be considered separately, using established “Guideline” methods. Temporary increases are defined as those which occur only during the construction phase and last five (5) years or less at any individual site.

[(23)](24) Using the Motor Vehicle Emissions Budget in the Applicable Implementation Plan (or Implementation Plan Submission).

- (A) In interpreting an applicable implementation plan (or implementation plan submission) with respect to its motor vehicle emissions budget(s), the MPO and DOT may not infer additions to the budget(s) that are not explicitly intended by the implementation plan (or submission). Unless the

implementation plan explicitly quantifies the amount by which motor vehicle emissions could be higher while still allowing a demonstration of compliance with the milestone, attainment, or maintenance requirement and explicitly states an intent that some or all of this additional amount should be available to the MPO and DOT in the emission budget for conformity purposes, the MPO may not interpret the budget to be higher than the implementation plan's estimate of future emissions. This applies in particular to applicable implementation plans (or submissions) which demonstrate that after implementation of control measures in the implementation plan—

1. Emissions from all sources will be less than the total emissions that would be consistent with a required demonstration of an emissions reduction milestone;
2. Emissions from all sources will result in achieving attainment prior to the attainment deadline and/or ambient concentrations in the attainment deadline year will be lower than needed to demonstrate attainment; or
3. Emissions will be lower than needed to provide for continued maintenance.

~~[(B)]~~ If an applicable implementation plan submitted before November 24, 1993, demonstrates that emissions from all sources will be less than the total emissions that would be consistent with attainment and quantifies that "safety margin," the state may submit an implementation plan revision which assigns some or all of this safety margin to highway and transit motor vehicles for the purposes of conformity. Such an implementation plan revision, once it is endorsed by the governor and has been subject to a public hearing, may be used for the purposes of transportation conformity before it is approved by EPA.]

~~[(C)]~~(B) A conformity demonstration shall not trade emissions among budgets which the applicable implementation plan (or implementation plan submission) allocates for different pollutants or precursors, or among budgets allocated to motor vehicles and other sources, unless the implementation plan establishes appropriate mechanisms for such trades.

~~[(D)]~~(C) If the applicable implementation plan (or implementation plan submission) estimates future emissions by geographic subarea of the nonattainment area, the MPO and DOT are not required to consider this to establish subarea budgets, unless the applicable implementation plan (or implementation plan submission) explicitly indicates an intent to create such subarea budgets for the purposes of conformity.

~~[(E)]~~(D) If a nonattainment area includes more than one MPO, the implementation plan may establish motor vehicle emissions budgets for each MPO, or else the MPOs must collectively make a conformity determination for the entire nonattainment area.

~~[(24)]~~(25) Enforceability of Design Concept and Scope and Project-Level Mitigation and Control Measures.

- (A) Prior to determining that a transportation project is in conformity, the MPO, other recipient of funds designated under Title 23 U.S.C. or the Federal Transit Laws, FHWA, or FTA must obtain from the project sponsor and/or operator written commitments to implement in the construction of the project and operation of the resulting facility or service any project-level mitigation or control measures which are identified as conditions for NEPA process completion with respect to local CO impacts. Before a conformity determination is made, written commitments must also be obtained for project-level mitigation or control measures which are conditions for making conformity determinations for a transportation plan or TIP and are included in the project design concept and scope which is used in the regional emissions analysis required by sections ~~[(47)]~~(18) Motor Vehicle Emissions Budget and ~~[(48)]~~(19) **Interim** Emissions ~~[Reductions]~~ in Areas Without Motor Vehicle Emissions Budgets or used in the project-level hot-spot analysis required by section (16).
- (B) Project sponsors voluntarily committing to mitigation measures to facilitate positive conformity determinations must comply with the obligations of such commitments.
- (C) Written commitments to mitigation measures must be obtained prior to a conformity determination, and project sponsors must comply with such commitments.
- (D) If the MPO or project sponsor believes the mitigation or control measure is no longer necessary for conformity, the project sponsor or operator may be relieved of its obligation to implement the mitigation or control measure if it can demonstrate that the applicable hot-spot requirements of section (16), emission budget requirements of section ~~[(47)]~~(18) and **interim** emissions ~~[reduction]~~ requirements of section ~~[(48)]~~(19) are satisfied without the mitigation or control measure, and so notifies the agencies involved in the interagency consultation process required under section (5). The MPO and DOT must find that the transportation plan and TIP still satisfy applicable requirements of sections ~~[(47)]~~(18) and/or ~~[(48)]~~(19) and that the project still satisfies the requirements of section (16) and therefore that the conformity determinations for the transportation plan, TIP, and project are still valid. This finding is subject to the applicable public consultation requirements in subsection (5)(F) for conformity determination for projects.

~~[(25)]~~(26) Exempt Projects. Notwithstanding the other requirements of this rule, highway and transit projects of the types listed in Table 2 of this section are exempt from the requirement to determine conformity. Such projects may proceed toward implementation even in the absence of a conforming transportation plan and TIP. A particular action of the type listed in Table 2 of this section is not exempt if the MPO in consultation with other agencies (see subparagraph (5)(C)1.C.), the EPA, and the FHWA (in the case of a highway project) or the FTA (in the case of a transit project) concur that it has potentially adverse emissions impacts for any reason. The state and the MPO must ensure that exempt projects do not interfere with TCM implementation. Table 2 follows:

Table 2—Exempt Projects

Safety

Railroad/highway crossing
Hazard elimination program
Safer nonfederal-aid system roads
Shoulder improvements
Increasing sight distance
Safety improvement program
Traffic control devices and operating assistance other than signalization projects
Railroad/highway crossing warning devices
Guardrails, median barriers, crash cushions
Pavement resurfacing or rehabilitation
Pavement marking demonstration
Emergency relief (23 U.S.C. 125)
Fencing
Skid treatments
Safety roadside rest areas
Adding medians
Truck climbing lanes outside the urbanized area
Lighting improvements
Widening narrow pavements or reconstructing bridges (no additional travel lanes)
Emergency truck pullovers

Mass Transit

Operating assistance to transit agencies
Purchase of support vehicles
Rehabilitation of transit vehicles¹
Purchase of office, shop, and operating equipment for existing facilities
Purchase of operating equipment for vehicles (e.g., radios, fare boxes, lifts, etc.)
Construction or renovation of power, signal, and communications systems
Construction of small passenger shelters and information kiosks
Reconstruction or renovation of transit buildings and structures (e.g., rail or bus buildings, storage and maintenance facilities, stations, terminals, and ancillary structures)
Rehabilitation or reconstruction of track structures, track, and trackbed in existing rights-of-way

Purchase of new buses and rail cars to replace existing vehicles or for minor expansions of the fleet¹

Construction of new bus or rail storage/maintenance facilities categorically excluded in 23 CFR part 771

Air Quality

Continuation of ride-sharing and van-pooling promotion activities at current levels
Bicycle and pedestrian facilities

Other

Specific activities which do not involve or lead directly to construction, such as—

- Planning and technical studies
- Grants for training and research programs
- Planning activities conducted pursuant to Titles 23 and 49 U.S.C.
- Federal-aid systems revisions
- Engineering to assess social, economic, and environmental effects of the proposed action or alternatives to that action
- Noise attenuation
- Emergency or hardship advance land acquisitions [~~(23 CFR part 712.204(d))~~](**23 CFR 710.503**)
- Acquisition of scenic easements
- Plantings, landscaping, etc.
- Sign removal
- Directional and informational signs
- Transportation enhancement activities (except rehabilitation and operation of historic transportation buildings, structures, or facilities)
- Repair of damage caused by natural disasters, civil unrest, or terrorist acts, except projects involving substantial functional, locational, or capacity changes

¹Note—In PM₁₀ nonattainment or maintenance areas, such projects are exempt only if they are in compliance with control measures in the applicable implementation plan.

[~~(26)~~](**27**) Projects Exempt From Regional Emissions Analyses. Notwithstanding the other requirements of this rule, highway and transit projects of the types listed in Table 3 of this section are exempt from regional emissions analysis requirements. The local effects of these projects with respect to CO concentrations must be considered to

determine if a hot-spot analysis is required prior to making a project-level conformity determination. These projects may then proceed to the project development process even in the absence of a conforming transportation plan and TIP. A particular action of the type listed in Table 3 of this section is not exempt from regional emissions analysis if the MPO in consultation with other agencies (see subparagraph (5)(C)1.C.), the EPA, and the FHWA (in the case of a highway project) or the FTA (in the case of a transit project) concur that it has potential regional impacts for any reason. Table 3 follows:

Table 3—Projects Exempt from Regional Emissions Analyses

Intersection channelization projects
Intersection signalization projects at individual intersections
Interchange reconfiguration projects
Changes in vertical and horizontal alignment
Truck size and weight inspection stations
Bus terminals and transfer points

~~[(27)]~~**(28)** Traffic Signal Synchronization Projects. Traffic signal synchronization projects may be approved, funded, and implemented without satisfying the requirements of this section. However, all subsequent regional emissions analyses required by sections ~~[(17)]~~**(18)** and ~~[(18)]~~**(19)** for transportation plans, TIPs, or projects not from a conforming plan and TIP must include such regionally significant traffic signal synchronization projects.

AUTHORITY: section 643.050, RSMo 2000. Original rule filed Oct. 4, 1994, effective May 28, 1995. Amended: Filed May 1, 1996, effective Dec. 30, 1996. Amended: Filed June 15, 1998, effective Jan. 30, 1999. Amended: Filed Feb. 14, 2003, effective Sept. 30, 2003. Amended: Filed April 1, 2005.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate .

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., June 30, 2005. The public hearing will be held at the Governor Office Building, Room 450, 200 Madison Street, Jefferson City, Missouri 65101. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., July 7, 2005. Written comments shall be sent to Chief, Operations Section, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

COMMENTS AND RESPONSES ON
PROPOSED AMENDMENT
10 CSR 10-6.070
NEW SOURCE PERFORMANCE REGULATIONS
AND
RECOMMENDATION FOR ADOPTION

On May 26, 2005, the Missouri Air Conservation Commission held a public hearing concerning the proposed amendment to 10 CSR 10-6.070 New Source Performance Regulations. The following is a summary of comments received and the Missouri Department of Natural Resources' Air Pollution Control Program corresponding responses. Any changes to the proposed amendment are identified in the responses to the comments.

The Missouri Department of Natural Resources' Air Pollution Control Program recommends the commission adopt the rule action as proposed.

NOTE 1 - Legend for rule actions to be voted on is as follows:

- * Shaded Text - Rule sections or subsections unchanged from Public Hearing. This text is only for reference.*
- * Unshaded Text - Rule sections or subsections that are changed from the proposed text presented at the Public Hearing, as a result of comments received during the public comment period.*

NOTE 2 - All unshaded text below this line will be printed in the Missouri Register.

**Title 10 - DEPARTMENT OF
NATURAL RESOURCES**

Division 10 - Air Conservation Commission

**Chapter 6 – Air Quality Standards, Definitions, Sampling and Reference Methods and Air
Pollution Control Regulations for the Entire State of Missouri**

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.070 New Source Performance Regulations is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2005 (30 MoReg 635-636). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments received.

COMMENTS AND RESPONSES ON
PROPOSED AMENDMENT
10 CSR 10-6.075
MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY REGULATIONS
AND
RECOMMENDATION FOR ADOPTION

On May 26, 2005, the Missouri Air Conservation Commission held a public hearing concerning the proposed amendment to 10 CSR 10-6.075 Maximum Achievable Control Technology Regulations. The following is a summary of comments received and the Missouri Department of Natural Resources' Air Pollution Control Program corresponding responses. Any changes to the proposed amendment are identified in the responses to the comments.

The Missouri Department of Natural Resources' Air Pollution Control Program recommends the commission adopt the rule action as proposed.

NOTE 1 - Legend for rule actions to be voted on is as follows:

- * Shaded Text - Rule sections or subsections unchanged from Public Hearing. This text is only for reference.*
- * Unshaded Text - Rule sections or subsections that are changed from the proposed text presented at the Public Hearing, as a result of comments received during the public comment period.*

NOTE 2 - All unshaded text below this line will be printed in the Missouri Register.

**Title 10 - DEPARTMENT OF
NATURAL RESOURCES**

Division 10 - Air Conservation Commission

**Chapter 6 – Air Quality Standards, Definitions, Sampling and Reference Methods and Air
Pollution Control Regulations for the Entire State of Missouri**

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.075 Maximum Achievable Control Technology Regulations is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2005 (30 MoReg 636-638). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments received.

COMMENTS AND RESPONSES ON
PROPOSED AMENDMENT
10 CSR 10-6.080
EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS REGULATIONS
AND
RECOMMENDATION FOR ADOPTION

On May 26, 2005, the Missouri Air Conservation Commission held a public hearing concerning the proposed amendment to 10 CSR 10-6.080 Emission Standards for Hazardous Air Pollutants Regulations. The following is a summary of comments received and the Missouri Department of Natural Resources' Air Pollution Control Program corresponding responses. Any changes to the proposed amendment are identified in the responses to the comments.

The Missouri Department of Natural Resources' Air Pollution Control Program recommends the commission adopt the rule action as proposed.

NOTE 1 - Legend for rule actions to be voted on is as follows:

- * Shaded Text - Rule sections or subsections unchanged from Public Hearing. This text is only for reference.*
- * Unshaded Text - Rule sections or subsections that are changed from the proposed text presented at the Public Hearing, as a result of comments received during the public comment period.*

NOTE 2 - All unshaded text below this line will be printed in the Missouri Register.

**Title 10 - DEPARTMENT OF
NATURAL RESOURCES**

Division 10 - Air Conservation Commission

**Chapter 6 – Air Quality Standards, Definitions, Sampling and Reference Methods and Air
Pollution Control Regulations for the Entire State of Missouri**

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.080 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2005 (30 MoReg 638-639). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received. Staff recommended that a typographical error in the proposed amendment text as published in the *Missouri Register* be corrected in the order of rulemaking.

RESPONSE AND EXPLANATION OF CHANGE: The word delegate has been corrected to delegable in paragraph (1)(B)3.

10 CSR 10-6.080 Emission Standards for Hazardous Air Pollutants.

(1) Applicability.

(A) The provisions of 40 CFR part 61 promulgated June 30, 2003 and hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions.

(B) Exceptions to the adoption are as follows:

1. Sections 60.4, 60.16 and 60.17 of subpart A;
2. Subparts B, H, I, K, Q, R, T, and W in their entirety; and
3. Those provisions which are not delegable by United States Environmental Protection Agency (EPA). Examples of these include alternative or equivalent methods (for example, sections 61.12(d)(1), 61.13(h)(1)(ii), 61.112(c), 61.164(a)(2), 61.164(a)(3), and 61.244).

(C) Where emission limitations, test procedures or other requirements found in subsection (1)(A) of this rule and in another rule under Title 10 Division 10 of the *Code of State Regulations* are applicable to an emission source, the more restrictive rule requirements shall be applied.

(2) Definitions. Certain terms used in 40 CFR part 61 refer to federal officers, agencies and publications. The following terms applicable to Missouri shall be substituted where appropriate for the delegable federal counterparts:

- (A) Director shall be substituted for Administrator;
- (B) Missouri Department of Natural Resources shall be substituted for EPA, EPA Regional Office or Environmental Protection Agency; and
- (C) *Missouri Register* shall be substituted for *Federal Register*.

(3) The following are the National Emission Standards for Hazardous Air Pollutants (NESHAPs) 40 CFR part 61 subparts that are adopted by reference in subsection (1)(A) of this rule. Individual sources, operations or installations in these categories are subject

to this rule based on date of commencement of construction and other category specific parameters, as specified in the applicable subpart:

Subpart

Title

- | | |
|------|---|
| (C) | National Emission Standard for Beryllium |
| (D) | National Emission Standard for Beryllium Rocket Motor Firing |
| (E) | National Emission Standard for Mercury |
| (F) | National Emission Standard for Vinyl Chloride |
| (J) | National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene |
| (L) | National Emission Standard for Benzene Emissions from Coke By-Product Recovery Plants |
| (M) | National Emission Standard for Asbestos |
| (N) | National Emission Standard for Inorganic Arsenic Emissions From Glass Manufacturing Plants |
| (O) | National Emission Standard for Inorganic Arsenic Emissions From Primary Copper Smelters |
| (P) | National Emission Standard for Inorganic Arsenic Emissions From Arsenic Trioxide and Metallic Arsenic Production Facilities |
| (V) | National Emission Standard for Equipment Leaks (Fugitive Emission Sources) |
| (Y) | National Emission Standards for Benzene Emissions From Benzene Storage Vessels |
| (BB) | National Emission Standards for Benzene Emissions From Benzene Transfer Operations |
| (FF) | National Emission Standard for Benzene Waste Operations |
- (4) Reporting. Reporting requirements are specified in each federal regulation adopted by reference.
- (5) Test Methods. Test methods are specified in each federal regulation adopted by reference.

**COMMENTS AND RESPONSES ON
PROPOSED REVISIONS TO THE
MISSOURI STATE IMPLEMENTATION PLAN —
NO_x SIP CALL BUDGET DEMONSTRATION FOR MISSOURI
AND
RECOMMENDATION FOR ADOPTION**

On May 26, 2005, the Missouri Air Conservation Commission held a public hearing concerning the proposed NO_x SIP Call Budget Demonstration for Missouri. The following is a summary of comments received and the Missouri Department of Natural Resources' corresponding responses. Any changes to the proposed state implementation plan are identified in the responses to the comments.

The Missouri Department of Natural Resources' Air Pollution Control Program recommends the commission adopt the plan action as amended. If the commission adopts this plan action, it will be the department's intention to submit this plan action to the U.S. Environmental Protection Agency (EPA) to replace the current plan that is in the Missouri State Implementation Plan.

SUMMARY OF COMMENTS: The department's Air Pollution Control Program received comments from the EPA on the proposed demonstration document. These comments were generally asking for clarifying language to be added to the demonstration document.

COMMENT: In the section titled Other Category, it states that Missouri is not relying on any reductions from mobile and area source categories beyond any anticipated federal control measures, and that Missouri is adopting EPA's 2007 projection to meet the overall eastern one-third budget. EPA understands that it is the department's intention to use EPA's emissions and projections for the source sectors of area, nonroad, and mobile. However, it should be made clear that Missouri is not relying on EPA's 2007 projection to meet the overall eastern one-third budget, but is only relying on EPA's data for the listed source categories in this section.

RESPONSE AND EXPLANATION OF CHANGE: The department has added language to clarify that only the categories listed in this section are being adopted as projected by EPA.

COMMENT: In the section titled Electric Generating Units and Industrial Boilers, it states that Missouri imposes an emission cap as an enforceable mechanism to assure that collectively all large electric generating units, including new or modified units, will not exceed the total NO_x emissions cap of 13,400 tons in 2007. EPA believes that this statement is misleading, because it is legally possible that emissions from electric generating units could be higher than the state's emissions cap in 2007 if the affected owners or operators choose to obtain additional allowances from the outside region and the state is a net purchaser of allowances. Therefore, for any one state, emissions may be higher than the total number state allocated allowances for a given season whereas it is the multi-state NO_x regional cap that will not be exceeded.

RESPONSE AND EXPLANATION OF CHANGE: The department has amended the language in this section to clearly state that the total NO_x allocations will not be greater than 13,400 tons per ozone season.

COMMENT: In the Control Methods section under Large Stationary Internal Combustion Engines it states that Missouri does not believe there are any affected units with this rulemaking and has not taken any NO_x emission reduction credits related to this category. EPA believes it is necessary to add more detail to this section that explains the methodology that was followed in order to determine that there are no eligible units that meet the NO_x SIP Call definition of Large Internal Combustion Engine.

RESPONSE AND EXPLANATION OF CHANGE: The department has added additional language to clarify the process and information used in determining that no sources in the eastern one-third of Missouri meet the applicability thresholds in the proposed rulemaking.

COMMENT: In the section under Budget Demonstration it states that the EPA established a NO_x emissions budget for the eastern one-third of Missouri of 61,403 tons of NO_x per ozone season in the year 2007. EPA would like to comment that the official budget for Missouri is 61,406 tons and that this number should be referenced accordingly in the document.

RESPONSE AND EXPLANATION OF CHANGE: The department has revised the emissions budget from 61,403 to 61,406 tons of NO_x per ozone season as suggested.

COMMENT: In the Emissions Budget section under Industrial Boilers it states that Missouri is capping the emissions from these facilities based on a 60% reduction in emissions from the 1995 actual emission level. However, in Table 1, the 2007 Control figures for these units is calculated from a sixty percent (60%) reduction of the 2007 Base column. EPA believes the Table 1 methodology to be correct and the section language needs to be revised to reflect this approach.

RESPONSE AND EXPLANATION OF CHANGE: The department has added language to this section to clarify that the emissions cap is based on a sixty percent (60%) reduction from 2007 NO_x emissions levels, which have been grown to 2007 levels by applying EPA's growth estimates to 1995 and 1996 emission levels.

COMMENT: In the Emissions Budget section under Industrial Boilers, the department appropriately identifies sources that were incorrectly added as eligible units. However, it is not clear how these emissions were accounted for when removing these units from the inventory. In order to make a proper budget demonstration, the units that were removed from the control inventory would also need to be removed from the EPA base case inventory. Any revisions or corrections to the EPA inventory need to be reflected in the budget comparison.

RESPONSE AND EXPLANATION OF CHANGE: The department has added language to this section to clarify how the emissions from sources that EPA had proposed to control and that Missouri is not proposing to control are included in the budget calculation.

COMMENT: In Table 1, titled Comparison of Non-Electric Generating Boilers, for the revised inventory the 2007 Control column has seasonal NO_x Emissions for three units, Anheuser Busch 002, Ashley Street Station 005 and 006. However, in Table II in 10 CSR 10-6.360 the NO_x Limitation per Unit Tons Per Ozone Season for these units do not coincide with 2007 Control

inventory in Table 1 of the Budget Demonstration. EPA believes that these totals should agree or an explanation should be provided as to why they do not.

RESPONSE AND EXPLANATION OF CHANGE: The department has amended the NO_x Emissions in Table 1 of this document. The department had erroneously included EPA's original growth factor for these sources in the calculated NO_x emissions in the proposed Table 1. The amended Table 1 includes the NO_x emissions calculated using EPA's amended growth factors for this source category.

NO_x SIP Call Budget

Demonstration for Missouri

June 30, 2005

Background

NOx SIP Call Phase I

The U.S. Environmental Protection Agency (EPA) issued the Oxides of Nitrogen (NOx) State Implementation Plan (SIP) call on October 27, 1998. The NOx SIP call was designed to assist downwind ozone areas in attaining the 1-hour and 8-hour national ambient air quality standards by providing upwind NOx emission control. This rulemaking was developed through the EPA interpretation of the Ozone Transport Assessment Group (OTAG) recommendations and subsequent modeling and cost analysis of NOx controls to reduce ozone transport. A summary of the OTAG process and recommendations can be found in Appendix K of this document. The following states were included in the finding of significant contribution control region (subject to control): Alabama, Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Kentucky, Massachusetts, Maryland, Michigan, Missouri, North Carolina, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.

As written, the NOx SIP Call required each state in the control region to develop and submit a SIP by September 30, 1999, that “contains adequate provisions prohibiting its sources from emitting air pollutants in amounts that will contribute significantly to nonattainment, or interfere with maintenance, in one or more downwind states”. The controls prescribed in each state’s SIP were required to be in place by the compliance deadline of May 1, 2003. The EPA developed a test based on four factors to determine if emissions contribute significantly: (1) the overall nature of the ozone problem in the eastern U.S. (collective contribution), (2) extent of downwind nonattainment to which upwind state’s emissions are linked, (3) ambient impact of the upwind state’s emissions, and (4) availability of highly cost-effective control measures for upwind emissions.

In order to evaluate the impacts from each upwind state, the EPA relied on OTAG subregional modeling, state-by-state zero-out Urban Airshed Model-V (UAM-V) modeling, and Comprehensive Air Quality Model with Extensions (CAMx) source apportionment modeling. The test for significant contribution from the CAMx and UAM-V zero-out modeling included the magnitude of contribution, the frequency of contribution, and the relative amount of contribution.

The overall amount of emission reduction required by each state was the sum of the utility component, the non-utility boiler component, the cement kiln component, and the stationary I/C engine component. The total budget number is not critical because the EPA states in the SIP call, *“The amount of the 2007 overall budget is used to compute the level of controls that would result in the appropriate amount of emissions reductions, given assumptions concerning, for example, growth. To this extent, the 2007 overall budget is an important accounting tool. However, the State is not required to demonstrate that it has limited its total NOx emissions to the budget amounts. Thus, the overall budget amount is not an independently enforceable requirement.”* Therefore, the critical number is the amount of emissions to be prohibited. This statement is extremely important. In addition, the state trading budget is a fixed quantity and will be used for compliance purposes. This budget will include all of the controlled utility and large non-utility boilers.

Banking of NO_x emissions could be accomplished in the first control period (2003) and every following year. Also, trading was allowed on a one-for-one basis throughout the control region with no restrictions. If a state decided to adopt the model-trading rule contained in the SIP call, several issues were addressed. Allocation timing is an every-year allocation for three years in advance (September 1999 submittals provide allocation for 2003 ozone season). Allocation methodology is based on heat-input.

In May of 1999, the United States Court of Appeals for the Washington D.C. circuit issued a stay of the NO_x SIP call until April of 2000 or until court ruled on the litigation. In March of 2000, the court ruled on the litigation by removing Missouri and several other states from EPA's NO_x SIP call and by delaying the implementation by a year.

NO_x SIP Call Phase II

Phase II of the NO_x SIP Call Rule was finalized by the EPA on April 21, 2004. Phase II requires the eastern one-third of Missouri to participate in the NO_x SIP Call.

This document describes Missouri's approach to demonstrate the NO_x SIP call budget for the eastern one-third of Missouri. The final EPA rule sets a total budget for NO_x emissions of 61,406 tons of NO_x per ozone season in the eastern one-third of Missouri. It also set a budget for Electric Generating Units (EGUs) of 13,400 tons per ozone season in the eastern one-third. The following are the affected NO_x sources in which the budget assumes control levels of:

- (a) 0.15 lbs/mmBtu for EGUs;
- (b) 82 percent emissions reductions for large natural gas-fired stationary internal combustion (IC) engines;
- (c) 90 percent emissions reductions for diesel and dual fuel stationary internal combustion engines;
- (d) 60 percent emissions reductions for non-EGU boilers and turbines; and
- (e) 30 percent emissions reductions for cement manufacturing plants;

The total budget is the sum of all the affected NO_x sources and projected NO_x emissions from non-affected sources, in addition to area, non-road mobile and highway sources.

Emission Budget

The EPA developed emission budgets using the protocol in Appendix E. Missouri analyzed EPA's budget using data collected through emission inventory questionnaires and through industry specific NO_x emission surveys. Any changes to EPA's budgets are discussed below.

Electric Generating Units

Initially, the EPA's electric generating unit budget included many smaller generating units at Municipal utilities throughout Missouri. EPA amended the definition of electric generating unit, thereby removing most of these smaller sources from the electric generating unit inventory. Missouri is adopting EPA's electric generating unit inventory and are tentatively accepting EPA's inventory for small electric generating units that are not included in this inventory.

Industrial Boilers

EPA developed a base and budget inventory for all non-electric generating units in the state as part of the Phase I NOx SIP call rulemaking. This inventory included several subgroups that were to be controlled. Based on EPA's analysis, industrial boilers, cement kilns, and stationary internal combustion engines could be controlled on a cost effective basis.

EPA determined that industrial boilers greater than 250 MMBTU per hour of heat input could be controlled on a cost effective basis. EPA based its list of industrial boilers for the budget analysis on source classification codes used in emission inventory questionnaires. These source classification codes are used as a means of allowing a source to report emissions based on a specific process. Table 1 contains a list of the industrial boilers in the Phase II control region that EPA imposed control requirements on as part of Missouri's budget calculation.

Missouri commented several times during the development of EPA's budget on changes that Missouri believed were necessary in the industrial boiler class. Several of these changes remain to be a problem in the list of sources included in EPA's budget. Therefore, Missouri is submitting this budget demonstration based on the corrected inventory.

The EPA's budget includes controls at the boilers listed in the top portion of Table 1. As you can see, EPA included controls on eight (8) units. Two (2) of these units, Doe Run – Buick Resource Recover Center point 036 and River Cement Company point 094, were part of the Department of Natural Resources' comments submitted during the original SIP call stating that these units were not boilers by definition and should not be included in this list of controlled units. Doe Run Company also submitted comments during the initial NOx SIP Call comment period. The department continues to contend that these units are not boilers. These units are in process heating devices. Therefore, they do not meet EPA's definition of sources to control as part of the NOx SIP call.

The boilers at Ashley Street Station number 2 through 4, do not meet the size requirement established by EPA. These units have a boilerplate capacity, as reported to the department by the St. Louis Local Agency, of 108, 101, and 101 MMBtu per hour of heat input respectively. EPA's applicability level for boiler control is set at 250 MMBTU per hour of heat input, thus exempting these units from the controlled sources inventory.

The bottom of Table 1 contains the sources that Missouri is proposing to include as controlled boilers for the NOx SIP Call budget demonstration. Based on Missouri's emission inventory data, these are the only three boilers that currently meet the 250 MMBTU per hour of heat input criteria in the eastern one-third of the state. Missouri is capping the emissions from these facilities based on a 60 percent (%) reduction in emissions from the 1995 actual emission level, which have been grown to 2007 using growth rates supplied by EPA. This is an emissions cap establishing the budgeted emissions reductions from this source category.

For the sources that EPA had proposed to control and the Missouri is not proposing control, the NOx emissions are included in this budget calculation as uncontrolled emissions. The 2007 NOx

levels have been calculated using the same methodology as EPA with the exception of removing the 60% control level.

Cement Kilns

The top half of Table 2 contains a list of the Portland Cement Kilns for which EPA had budgeted emission reduction as part of Missouri's NOx SIP call budget. The bottom half of the same table contains Missouri's budgeted emission for this NOx budget demonstration. In comparison, Missouri is adding one facility to the budget demonstration. EPA's analysis does not appear to contain Lone Star Industries, Inc, now referred to as Buzzi Unicem Cape. This facility was in operation during the 1995 and 1996 timeframe. Missouri submitted comments during the rulemaking process for the original NOx SIP call that this unit should be added and EPA responded at that time that it would be. However, based on the information provided to Missouri by EPA Region VII it does not appear that this addition was completed.

EPA also included emission point 30 at Continental Cement Company in its inventory of Portland cement kilns. EPA did not include control on this point. Missouri does not include this point in the inventory of control Portland Cement kilns as Continental Cement Company only has one kiln at this facility and that kiln is reported in the inventory as emission point 32. Missouri includes emission point 30 in the inventory of uncontrolled sources for the purpose of the budget demonstration.

Missouri has based the calculation of uncontrolled emissions, 2007 base in Table 2, on data submitted by the individual cement kilns. The emission factors used in the calculation of the budget were 10.41, 10.93, 5.4, and 15.42 pounds of NOx per ton of clinker produced for Continental Cement Company, Buzzi Unicem River Cement, Buzzi Unicem Cape (Lone Star Industries, Inc.) and Holcim (Holnam, Inc.) respectively. These emission factors are based on stack tests and related emission calculations as supplied to Missouri by each individual kiln. This data is supplied as Appendix G to this demonstration document. In addition, Holcim supplied a correction to the throughput for the year 1995 that was included in the budget calculation.

Internal Combustion Engines

EPA included one source in the Stationary Internal Combustion Engine control category, which was Depaul Health Center. According to EPA's budget, Depaul Health Center has an engine that is a 300 ton per ozone season source in 1995. However, Missouri's emission inventory data for this source show that the actual emissions in 1995 are approximately one ton per ozone season. EPA proposed to control stationary internal combustion engines that were greater than 1,300 horse-power and that emitted greater than 1 ton per day of NOx during the ozone season. Therefore, Missouri has not included any large stationary internal combustion engines in the determinations of the NOx emission budget.

Other category

Missouri is not required to submit SIP revisions to address additional emission reductions from area, non-road, and mobile sources since Missouri is not relying on any additional reductions beyond the anticipated federal measures in the mobile and area source categories. Therefore,

Missouri is adopting EPA's 2007 projection, for these categories, to meet the overall eastern one third budget.

Control Methods

The purpose of control measures is to reduce emissions of NO_x and ensure compliance with the federal NO_x control plan to reduce the transport of air pollutants. No reductions are required from area, non-road mobile and highway mobile sources. However, there are a number of sources that need to be addressed through rulemaking or other enforceable mechanisms. These rulemakings will set a budget for EGUs and large non-EGU boilers and establish NO_x control equipment and NO_x emission levels for Cement Kilns and large stationary internal combustion engines.

Electric Generating Units and Industrial Boilers

In an effort to assure an approval of the SIP, Missouri's rule, 10 CSR 10-6.360 Control of NO_x Emissions from Electric Generating Units and Non-Electric Generating Boilers, is substantially consistent with EPA's model rule. Missouri sources are allowed to participate in the interstate NO_x allowance trading program that EPA will administer for the participating states. Under the NO_x budget trading program, Missouri allocates NO_x allowances to the electric generating units and non-electric generating boilers that are affected by these requirements. The NO_x trading program generally applies to fossil fuel fired electric generating units with a nameplate capacity equal to or greater than 25 MW that sell any amount of electricity as well as to non-electric generating units that have a heat input capacity equal to or greater than 250 MMBTU per hour of heat input. Each NO_x allowance permits a unit to emit one ton of NO_x during the seasonal control period. NO_x allowances may be bought or sold. Missouri imposes an emission cap as an enforceable mechanism to assure that collectively all large electric generating units, including new or modified units, will not exceed the total NO_x allowance allocations of 13,400 tons in 2007. New and modified sources must acquire allowances through regional trade program to cover their seasonal emissions. The total allowances issued by the State to all sources in the program in any given control season will not exceed the total NO_x emissions cap in 2007 for such sources.

Missouri has included in the trading program an energy efficiency and renewable fuels set-aside of 1 percent of the emissions cap, 134 tons per ozone season. This set-aside is available on a first come first serve basis for entities wishing to implement energy efficiency and renewable fuels projects. If this set-aside is not utilized during any year, the NO_x credits are redistributed to the electric generating units based on percentage of heat input during the 1995 ozone season.

Portland Cement Kilns

Again, Missouri started with EPA's model rule in the development of 10 CSR 10-6.380 Control of NO_x Emissions from Portland Cement Kilns. Missouri has modified this regulation in several ways. First, Missouri elected to establish emission limits that reflected the greater of EPA's AP-42 emission factor or EPA's Alternative Control Technologies emission factor for an emission rate. EPA had proposed to use an average of these rates in their model rule. Missouri believes that the greater of the two factors is more representative of the industrial class in Missouri than the average of the two factors, which in themselves are an industrial average. Missouri is able to demonstrate an emission reduction of 30 percent across the industrial class, assuming that the

four kilns will either install the applicable control technology or apply for alternative control strategies outlined in Missouri's rulemaking that will achieve the minimum 30 percent NOx emissions control. It is important to note that EPA's budget calculation for this class did not meet 30 percent reduction, they achieved only 26 percent reduction in NOx, while Missouri is assuming 30 percent reduction in NOx for 2007.

Large Stationary Internal Combustion Engines

Missouri is proposing rule 10 CSR 10-6.390 Control of NOx Emissions from Large Stationary Internal Combustion Engines, which is based on EPA's model rulemaking. Missouri does not believe that there are any affected sources with this rulemaking and has not taken any NOx emission reduction credits related to this source category. Missouri conducted an analysis for this source category as well as the other source categories subsequent to the initial NOx SIP Call rulemaking. This analysis consisted of reviewing the emission inventory that the state maintains and then conducting a source specific survey of the possible affected NOx sources statewide. The results of this analysis demonstrated that there were not any large stationary internal combustion engines that met the applicability levels in the proposed rule. The sources were either below the horsepower threshold or below the 1 ton of NOx per ozone season day level.

Budget Demonstration

As part of EPA's April 21, 2005, Phase II NOx SIP Call rulemaking, EPA established a NOx emissions budget for the eastern one-third of Missouri of 61,406 tons of NOx per ozone season in the year 2007. Table 3 is a summary of Missouri's 2007 emission budget. As you can see, Missouri is projecting NOx emissions of 60,040 ton in the 2007 ozone season. These projections are based on NOx emissions reductions achieved through three rulemakings detailed in the control measures section of this document. The complete point source emission inventory is available electronically upon request from Missouri's Air Pollution Control Program. The inventory has not been included as an attachment to this document due to the size.

Administrative Requirements

Legal Authority

The department was granted legal authority to develop and implement regulations regarding air pollution under Chapter 643 of the Revised Statutes of Missouri. A copy of Chapter 643 is attached to this SIP as Appendix A.

Public Hearing Notice and Certification

The department is mandated to announce a public hearing, 30 days prior to holding such hearing. Attached in Appendix B is the public hearing notice along with certification of public notice.

Comments and Responses

Attached in Appendix C are the department's responses to comments received at public hearing on this SIP. The department is required to respond to all comments received by either amending the SIP or explanation of reasoning for not making an amendment.

MACC Adoption Certification

Attached in Appendix D is the MACC adoption certification to demonstrate approval by the Commission

List of Tables

Table 1: Comparison of Non-Electric Generating Boilers Budgets

Table 2: Comparison of Cement Kiln Budgets

Table 3: Summary of the Budget Demonstration

Table 1: Comparison of Non-Electric Generating Boilers

FIPSST	State	FIPSCNTY	County	PLANTID	Plant	POINTID	Type	Size	Seasonal NOx Emissions (Tons)		
									1995	2007 Base	2007 Control
29	Missouri	093	Iron Co	0009	DOE RUN - BUICK RESOURCE RECOVERY CENTER	036	Boiler	L	2.20	2.58	1.03
29	Missouri	099	Jefferson Co	0002	RIVER CEMENT COMPANY	094	Boiler	L	46.30	47.22	18.89
29	Missouri	510	St. Louis	0003	ANHEUSER BUSCH INC. ST. LOUIS	002	Boiler	L	29.07	33.14	13.26
29	Missouri	510	St. Louis	0038	ASHLEY STREET STATION	002	Boiler	L	0.00	0.00	0.00
29	Missouri	510	St. Louis	0038	ASHLEY STREET STATION	003	Boiler	L	163.95	145.92	58.37
29	Missouri	510	St. Louis	0038	ASHLEY STREET STATION	004	Boiler	L	0.00	0.00	0.00
29	Missouri	510	St. Louis	0038	ASHLEY STREET STATION	005	Boiler	L	52.69	46.90	18.76
29	Missouri	510	St. Louis	0038	ASHLEY STREET STATION	006	Boiler	L	202.48	180.21	72.08
					Total				496.70	455.97	182.39
29	Missouri	510	St. Louis	0003	ANHEUSER BUSCH INC. ST. LOUIS	002	Boiler	L	29.07	33.75	13.5
29	Missouri	510	St. Louis	0038	ASHLEY STREET STATION	005	Boiler	L	52.69	22.54	9
29	Missouri	510	St. Louis	0038	ASHLEY STREET STATION	006	Boiler	L	202.48	90.10	36
					Total				284.24	146.39	58.5

Table 2: Comparison of Cement Kiln Budgets

FIPSST	State	FIPSCNT Y	County	PLANTID	Plant	POINTID	Type	Size	Seasonal NOx Emissions (Tons)		
									1995	2007 Base	2007 Control
29	Missouri	099	Jefferson Co	0002	RIVER CEMENT COMPANY	017	Cement	L	3,211	3,276	2,293
29	Missouri	163	Pike Co	0001	HOLNAM INC	005	Cement	L	3,631	3,704	2,593
29	Missouri	173	Ralls Co	0001	CONTINENTAL CEMENT COMPANY INC	030	Cement	L	914	932	932
29	Missouri	173	Ralls Co	0001	CONTINENTAL CEMENT COMPANY INC	032	Cement	L	1,096	1,117	782
					Total				8,852	9,029	6,600
29	Missouri	031	Cape Girardeau	0021	LONE STAR INDUSTRIES INC	048	Cement	L	1,466	1,496	1,047
29	Missouri	099	Jefferson Co	0002	RIVER CEMENT COMPANY	017	Cement	L	3,316	3,383	2,368
29	Missouri	163	Pike Co	0001	HOLNAM INC	005	Cement	L	4,408	4,496	3,147
29	Missouri	173	Ralls Co	0001	CONTINENTAL CEMENT COMPANY INC	032	Cement	L	1,290	1,316	921
					Total				10,480	10,690	7,483

Table 3: Summary of the Budget Demonstration

Source Category	2007 budget emissions (tpos)
EGUs	13,400
Non EGUs	5,903
Non EGU boilers (>250mmbtu/hr)	59
Cement Manufacturing Kiln	7,483
Area	2,199
On Road Mobile	21,318
Off-Road Mobile	9,632
Total	59,995

MISSOURI AIR CONSERVATION COMMISSION RULES IN PROGRESS SCHEDULE

Rule Action	Draft Rule Out For For Other Dept Review	Public Notice-Accepting Comments On Draft Rule	File with Secretary of State*	Publish in Missouri Register	Public Hearing	Public Comment Period Closes	Commission Vote On Rule Action	Last Day** to File with Secretary of State*	Rule Effective
Rescission 10 CSR 10-6.240 Asbestos Abatement Projects - Registration, Notification and Performance Requirements (Rescinds rule found by court to be void by inception)	11-20-03	N/A	01-12-04	02-17-04	03-25-04	04-01-04	04-29-04	06-16-04	09-30-04
New Rule 10 CSR 10-6.241 Asbestos Abatement Projects - Registration, Notification and Performance Requirements (New rule reinstates asbestos inspection fees and requirements consistent with federal requirements)	11-20-03	N/A	01-12-04	02-17-04	03-25-04	04-01-04	04-29-04	06-16-04	09-30-04
Rule Amendment 10 CSR 10-6.250 Asbestos Abatement Projects - Certification, Accreditation and Business Exemption Requirements (Updates rule to eliminate forms and correct OSHA and AHERA references)	11-20-03	N/A	01-12-04	02-17-04	03-25-04	04-01-04	04-29-04	06-16-04	09-30-04
Rule Amendment 10 CSR 10-6.065 Operating Permits (Implements governor's operating permit streamlining recommendations; addresses regulated community concerns and helps streamline Basic and Intermediate operating permit programs)	03-16-04	09-12-04	12-14-04	01-18-05	03-31-05	04-07-05	04-28-05	07-06-05	09-30-05
Rule Amendment 10 CSR 10-6.110 Submission of Emission Data, Emission Fees and Process Information (Sets emission fee required annually by statute)	03-30-04	N/A	05-17-04	06-15-04	07-22-04	07-29-04	08-26-04	10-01-04	12-30-04
Rule Amendment 10 CSR 10-6.060 Construction Permits Required (Adopts federal New Source Review program for attainment areas)	03-30-04	N/A	05-17-04	06-15-04	07-22-04	07-29-04	08-26-04	10-01-04	12-30-04
Rule Amendment 10 CSR 10-6.410 Emissions Banking and Trading (Prohibits generation of emission reduction credits from pollution control projects excluded in EPA's New Source Review improvement rule)	03-30-04	N/A	05-17-04	06-15-04	07-22-04	07-29-04	08-26-04	10-01-04	12-30-04
Rule Amendment 10 CSR 10-6.120 Restriction of Emissions of Lead from Specific Lead Smelter-Refinery Installations (Deletes references to Doe Run, Glover because stack emission and throughput limitations are incorporated in settlement agreement as part of maintenance plan)	04-23-04	N/A	07-01-04	08-02-04	09-30-04	10-07-04	10-28-04	12-22-04	03-30-05

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Rule Amendment 10 CSR 10-6.061 Construction Permit Exemptions (Raises insignificant emission levels to allow installations to pursue insignificant modifications to their installation without having to obtain a construction permit)	05-10-04	N/A	07-01-04	08-02-04	09-30-04	10-07-04	10-28-04	12-01-04	02-28-05
Rule Amendment 10 CSR 10-6.070 New Source Performance Regulations (Annual updates)	10-22-04	11-07-04	02-17-05	04-01-05	05-26-05	06-02-05	06-30-05	08-01-05	10-30-05
Rule Amendment 10 CSR 10-6.075 Maximum Achievable Control Technology Regulations (Annual updates)	10-22-04	11-07-04	02-17-05	04-01-05	05-26-05	06-02-05	06-30-05	08-01-05	10-30-05
Rule Amendment 10 CSR 10-6.080 Emission Standards for Hazardous Air Pollutants (Annual updates)	10-22-04	11-07-04	02-17-05	04-01-05	05-26-05	06-02-05	06-30-05	08-01-05	10-30-05
Rule Amendment 10 CSR 10-6.360 Control of NOx Emissions From Electric Generating and Non-Electric Generating Boilers (NOx SIP Call)	11-04-04	11-09-04	02-14-05	03-15-05	04-28-05	05-05-05	05-26-05	08-03-05	10-30-05
Rule Amendment 10 CSR 10-6.380 Control of NOx Emissions From Portland Cement Kilns (NOx SIP Call)	11-04-04	11-09-04	02-14-05	03-15-05	04-28-05	05-05-05	05-26-05	08-03-05	10-30-05
Rule Amendment 10 CSR 10-6.390 Control of NOx Emissions From Large Stationary Internal Combustion Engines (NOx SIP Call)	11-04-04	11-09-04	02-14-05	03-15-05	04-28-05	05-05-05	05-26-05	08-03-05	10-30-05
Rule Amendment 10 CSR 10-2.390 Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Laws (Federal Updates)	12-17-04	01-10-05	04-01-05	05-02-05	06-30-05	07-07-05	07-21-05	09-01-05	11-30-05
Rule Amendment 10 CSR 10-5.480 Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Laws (Federal Updates)	12-17-04	01-10-05	04-01-05	05-02-05	06-30-05	07-07-05	07-21-05	09-01-05	11-30-05
Rule Amendment 10 CSR 10-1.030 Air Conservation Commission Appeals and Requests for Hearings (Contains procedural regulations for contested cases heard by commission or assigned to hearing officer by commission)	01-27-05	02-06-05	05-12-05	06-15-05	07-21-05	07-28-05	08-25-05	10-03-05	12-30-05

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Rule Amendment 10 CSR 10-6.110 Submission of Emission Data, Emission Fees and Process Information (Sets emission fee required annually by statute and adjust deadline for fee payment)	03-09-05	N/A	05-16-05	06-15-05	07-21-05	07-28-05	08-25-05	10-03-05	12-30-05
Rule Amendment 10 CSR 10-6.010 Ambient Air Quality Standards (Updates NAAQS table with new and revised 8-hour ozone and PM2.5 standards)	03-02-05	N/A			Anticipate filing 7/1/05.				
Rule Amendment 10 CSR 10-6.020 Definitions and Common Reference Tables (Updates federal reference methods for the new PM2.5 standards mandated under CAA of 1997)	03-02-05	N/A			Anticipate filing 7/1/05.				
Rule Amendment 10 CSR 10-6.030 Sampling Methods for Air Pollution Sources (Updates federal reference methods for new PM2.5 standards mandated under CAA of 1997)	03-02-05	N/A			Anticipate filing 7/1/05.				
Rule Amendment 10 CSR 10-6.040 Reference Methods (Updates federal reference methods for new PM2.5 standards mandated under CAA of 1997)	03-02-05	N/A			Anticipate filing 7/1/05.				

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Plan Commitment	Plan Submitted to EPA *	EPA's Plan Completion Finding *	EPA's Plan Approval Finding *	Sanction Clock Date **		Sanctions				Comments
						EPA Impose 2:1 Emissions Offset Ratio (18 mos after clock start)		EPA Withholds Highway Funds (24 mos after clock start)		
				Start	Stop	Start	Stop	Start	Stop	
Missouri SIP (Emission Statement Plan)				1/15/93	6/17/94					
	1/4/94	Complete 6/17/94	Approved 2/29/96							
Missouri SIP (St. Louis CO Maintenance Plan)	6/13/97	Complete 7/9/97	1/26/99 - EPA granted direct final approval - effective 3/29/99	No sanction clock applicable to nonclassifiable nonattainment areas.						
Missouri SIP (St. Louis 15% Rate of Progress Plan)				1/14/94	7/13/95					
	1/13/95	7/13/95 - All three submittals found complete.	3/18/96 - EPA proposed partial approval of all plan elements except I/M program. EPA proposed partial disapproval due to failure to implement enhanced I/M program.	Sanction clock will start if EPA publishes limited disapproval of 15% plan.						
	7/11/95									
	7/11/95									
	5/1/97	N/A (This action only addresses approvability)							Plan revised to clarify RVP waiver demonstration.	
11/12/99	Complete 12/22/99	Approved 5/18/00							Plan revised to include I/M and RFG provisions.	
Missouri SIP (St. Louis Contingency Plan)	10/6/97	Complete 10/8/97	4/19/01 - EPA proposed approval Approved 6/26/01	4/11/96	10/8/97					Public hearing 7/24/97. MACC adopted Plan 8/28/97. MACC adopted Solvent Metal Cleaning rule 2/3/98. On 5/18/00, EPA approved Solvent Metal Cleaning rule as part of 15% RoP plan. Plan includes Tier II and low sulfur gasoline.
Missouri SIP (St. Louis Attainment Demonstration Plan)				6/22/95	4/22/96					
	10/25/95 11/12/99	Complete 4/22/96 Complete 12/22/99	4/17/00 - EPA proposed approval 8/3/00 - EPA reopened public comment period until 8/14/00.							Plan revised to comply w/new ozone standard and transport SIP call. MACC adopted Plan 11/8/99. On 1/19/00, DNR submitted supplemental model report. Additional modeling submitted 6/29/00. Supplemental model report presented at 8/31/00 MACC public hearing. MACC adopted Plan 9/21/00.
	11/2/00 2/28/01		4/3/01 - EPA proposed approval Approved 6/26/01 (Court vacated)							On 6/26/01, EPA withdrew 3/19/01 attainment determination and approved attainment date extension to 11/15/04 and mobile source emissions budgets. On 11/25/02, US 7 th Circuit Court of Appeals ruled against EPA as follows: 1) EPA has no authority to grant attainment date extension; 2) 6/26/01 rule extending St. Louis attainment date vacated; 3) directs EPA to promulgate final rule classifying St. Louis as serious ozone nonattainment area.
	12/13/02		1/30/03 - EPA proposed to approve revised mobile budgets Approved 5/12/03							MOBILE6 model released 1/29/02. Revised mobile budgets based on Mobile 6 model presented to MACC at public hearings 10/23/02 (St. Louis) and 10/24/02 (Kirksville). MACC adopted Plan 12/5/02.

State Air Quality Plans Status Report
June 13, 2005

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Plan Commitment	Plan Submitted to EPA *	EPA's Plan Completion Finding *	EPA's Plan Approval Finding *	Sanction Clock Date **		Sanctions				Comments
						EPA Impose 2:1 Emissions Offset Ratio (18 mos after clock start)		EPA Withholds Highway Funds (24 mos after clock start)		
				Start	Stop	Start	Stop	Start	Stop	
Missouri SIP (Redesignation Demonstration and Maintenance Plan for Missouri Portion of St. Louis Ozone Nonattainment Area)	12/5/02	12/19/02	1/30/03 - EPA proposed approval of redesignation demonstration and maintenance plan. Approved 5/12/03							Plan and redesignation request presented to MACC at public hearing 10/23/02 (St. Louis) and 10/24/02 (Kirkville). MACC adopted Plan 12/5/02.
Missouri SIP (St. Louis 8-Hour Ozone/PM2.5 Plan)	8/1/03									In 2000, DNR submitted recommendation on 8-hr nonattainment boundaries. On 6/2/03, EPA published proposed 8-hr Ozone NAAQS rule. On 4/30/04, EPA designated St Louis as Moderate for 8-hr Ozone NAAQS. On 9/23/04, Illinois EPA and Missouri hosted joint mtg to initiate St. Louis 8-hr Ozone/PM2.5 SIP development stakeholder groups. On 1/5/05, EPA published area designations/classifications for Fine Particle NAAQS (St. Louis as Unclassifiable/Attainment). On 3/8/05, Modeling group conference call held to discuss meteorological/emissions modeling issues, and initial photochemical benchmarking runs status. In Mar-05, contract awarded to Environ and Alpine Geophysics (EnvironAG) to assist w/emissions and photochemical modeling. Contract effective date 4/1/05. On 4/15/05, Control Strategy (CS) group met to discuss draft CS whitepapers (prepared by MDNR and Illinois EPA) and process for prioritizing and evaluating strategies. On 4/19/05, Modeling group conference call to discuss emissions modeling issues. On 5/11/05 and 5/24/05, Modeling group conference calls w/ Contractors to discuss onroad mobile/biogenic emissions, and initial 6/02 episode photochemical modeling run inputs. On 6/6/05, Modeling group met to discuss progress made on emissions and annual meteorological modeling and to initiate first round of photochemical modeling runs. On 6/7/05, CS group met to review photochemical modeling results from Midwest Regional Planning Organization (RPO) and discuss evaluation of CS options. On 6/8/05, Modeling group conference call w/Contractors to discuss emissions and meteorological modeling issues. Next Modeling group conference call w/Contractors scheduled 6/22/05.
	1/3/05		1/26/05 - EPA approved revised mobile budgets							Plan revised to establish 2007 motor vehicle emissions budgets. Public hearing on proposed budgets 10/28/04. MACC adopted Plan 12/9/04.
Missouri SIP (I/M Plan)				1/15/93	9/1/94					
	9/1/94 (Temporary rule)	Complete 9/1/94 Contingent on Plan revision submittal of permanent rule	3/18/96 - EPA proposed disapproval of I/M Plan (lack of adequate resources to implement) Approved 5/18/00	Sanction clock starts if EPA publishes final disapproval						Contract awarded 2/24/99 and testing begins 4/5/00. Over 4,091,749 vehicles tested since I/M program start. In 2003, General Assembly did not renew appropriations for additional I/M station in South County.
	7/11/95 (Permanent rule)									
	12/9/02	12/30/02	5/12/03 - EPA approved I/M rule revisions - effective 5/12/03						MACC adopted proposal to implement OBD 4/25/02. MACC adopted rule to implement OBD 8/29/02.	
	10/2/03	12/1/03							MACC adopted revised Plan to incorporate recent rule and legislative changes 8/23/03.	
									Plan being revised to incorporate HB 697 legislative changes. Development of rulemaking started.	

State Air Quality Plans Status Report
June 13, 2005

3

Plan Commitment	Plan Submitted to EPA *	EPA's Plan Completion Finding *	EPA's Plan Approval Finding *	Sanction Clock Date **		Sanctions				Comments
						EPA Impose 2:1 Emissions Offset Ratio (18 mos after clock start)		EPA Withholds Highway Funds (24 mos after clock start)		
				Start	Stop	Start	Stop	Start	Stop	
Missouri SIP (New Source Review Plan)				1/15/93	6/17/94					
	4/6/94	Complete 6/17/94	Approved 2/29/96							
Missouri SIP (St. Joseph Light & Power SO ₂ Attainment Plan)	7/13/01	Complete 8/15/01	11/15/01 - EPA granted direct final approval - effective 1/14/02							As of 5/25/01, consent agreement between St. Joseph Light & Power and State of Missouri to avoid SO ₂ nonattainment designation signed by all parties. Public hearing for consent agreement 2/6/01. MACC adopted 3/29/01.
Missouri SIP (Springfield City Utilities SO ₂ Consent Agreement)	1/2/02	Complete 2/1/02	3/25/02 - EPA granted direct final approval - effective 5/24/02							Added consent agreement to incorporate Springfield City Utilities SO ₂ control strategy. MACC adopted 12/6/01.
Missouri SIP (St. Louis Transportation Conformity Plan and Rule)	2/14/95	Complete 5/16/95	Approved 2/29/96							Original Plan
										Program working on Plan revision to incorporate six (6) federal transportation conformity rule amendments in one Plan revision. 4 of the 6 federal rule amendments adopted into State rules. EPA combined 5th and 6th amendments into one federal rule amendment published in 7/1/04 Federal Register. State rule amendment developed to incorporate federal changes. Public hearing scheduled 6/30/05.
Missouri SIP (Kansas City Transportation Conformity Plan and Rule)	2/14/95	Complete 5/16/95	Approved 2/29/96							Original Plan
										Program working on Plan revision to incorporate six (6) federal transportation conformity rule amendments in one Plan revision. 4 of the 6 federal rule amendments adopted into State rules. EPA combined 5th and 6th amendments into one federal rule amendment published in 7/1/04 Federal Register. State rule amendment developed to incorporate federal changes. Public hearing scheduled 6/30/05.
Missouri SIP (General Conformity Plan and Rule)	2/14/95	Complete 5/16/95	3/11/96 - Conditional approval w/6.300 revisions.							Rule effective date 9/30/96.
	11/20/96	Complete 2/24/97	Approved 7/14/97							
Missouri SIP (NOx RACT Plan)				7/6/94	7/3/96	1/6/96	7/3/96			
	11/30/95 (Waiver)									Submitted waiver application for CAAA Sect. 182(f) 11/30/95. EPA issues transport SIP call 10/10/97.
	4/26/96 (Draft Plan)									NOx RACT Plan identifying NOx RACT as the NOx limitations required for utility boilers under Title IV acid rain program being submitted.
	7/1/96 (Final Plan)	Complete 7/3/96								Public hearing for proposed Plan 5/30/96. MACC adopted proposed Plan 6/27/96.
	11/12/99	Complete 12/22/99	Approved 5/18/00							Incorporates new NOx RACT rule.

State Air Quality Plans Status Report

June 13, 2005

4

Plan Commitment	Plan Submitted to EPA *	EPA's Plan Completion Finding *	EPA's Plan Approval Finding *	Sanction Clock Date **		Sanctions				Comments
						EPA Impose 2:1 Emissions Offset Ratio (18 mos after clock start)		EPA Withholds Highway Funds (24 mos after clock start)		
				Start	Stop	Start	Stop	Start	Stop	
Missouri SIP (NOx Transport Plan)										On 3/3/00, court ruled on NOx SIP call petitions and removes Missouri from NOx SIP call. EPA approved statewide NOx rule 12/28/00. Proposed NOx SIP call for Missouri released 2/23/02. On 4/21/04, EPA finalized Phase II NOx SIP call. Missouri to submit SIP meeting full NOx SIP call by 5/1/05. Utility Workgroup mtgs 10/19/04 (non-electricity generating units-EGUs) and 10/25/04 (EGUs). On 12/8/04, EGU workgroup reached agreement in concept on proposed EGUs and non-EGU boilers rules. On 1/31/05, met w/cement kiln industry and reached consensus on draft cement kiln rule. Public hearing for 3 new NOx rules 4/28/05. MACC adopted rules 5/26/05. Public hearing for NOx SIP call Missouri Emissions Budget Demonstration 5/26/05. MACC adoption scheduled 6/30/05.
Missouri SIP (Kansas City 8-Hour Ozone Plan)	8/1/03									In 2000, DNR submitted 8-hr Ozone nonattainment boundaries recommendation. On 6/2/03, EPA published proposed 8-hr Ozone NAAQS rule. MACC adopted boundary recommendation 7/24/03. On 4/30/04, EPA designated Kansas City as Unclassifiable/Attainment for 8-hr Ozone NAAQS. Action effective 6/15/04. On 9/10/04, MARC hosted community workshop to discuss alternative strategies to achieve compliance w/new 8-hr Ozone standard and long-term clean air. On 12/21/04, MDNR submitted letter to EPA to certify monitoring data and to recommend Kansas City be redesignated as Attainment for 8-hr Ozone NAAQS. On 3/29/05, MARC board approved Clean Air Action Plan (CAAP). On 5/3/05, EPA redesignated Kansas City as Attainment for 8-hr Ozone NAAQS. Final rule effective 6/2/05.
Missouri SIP (Kansas City Maintenance Plan)										On 2/5/96, rec'd EPA formal notice of ozone violation (based on EPA quality assured data) in Kansas City metro area which requires contingency measures. Contingency measures recommendations presented at 8/29/96 MACC mtg.
	3/16/98	Complete 5/21/98	1/26/99 - EPA granted approval (RFG incorporated by 2000) Approved 4/24/02							MACC adopted revised Plan 2/3/98. US Court of Appeals struck down EPA's rule for use of RFG in former nonattainment areas. On 8/22/00, Missouri governor committed to implement 7.0 RVP gasoline, a cold cleaning solvent regulation, and a pressure vacuum relief valve requirement for gasoline dispensing. RVP rule and fuel waiver submitted to EPA on 5/21/01.
	12/12/02	Complete 12/30/02	9/16/03 - EPA proposed approval Approved 1/13/04							MOBILE6 model released 1/29/02. MACC adopted subsequent 10-yr plan 7/25/02. MACC adopted revised mobile budgets 12/5/02. On 6/5/03, EPA informed public that revised motor vehicle emission budgets are adequate for conformity purposes.
										Maintenance Plan revision required when 1-hr Ozone standard revoked in Jun-05. On 5/3/05, conference call w/KDHE and MARC to discuss options for addressing 1-hr Ozone Maintenance Plan revocation. 2002 Maintenance Plan revision to include 8-hr NAAQS and 8-hr NAAQS contingency measure triggers. Public hearing for 2005 revised Plan scheduled 6/30/05.

**State Air Quality Plans Status Report
June 13, 2005**

5

Plan Commitment	Plan Submitted to EPA *	EPA's Plan Completion Finding *	EPA's Plan Approval Finding *	Sanction Clock Date **		Sanctions				Comments
						EPA Impose 2:1 Emissions Offset Ratio (18 mos after clock start)		EPA Withholds Highway Funds (24 mos after clock start)		
				Start	Stop	Start	Stop	Start	Stop	
Title V Operating Permit Plan (Although not a SIP, plan has similar requirements and impacts)				11/15/93	3/2/95					
	1/13/95	Complete 3/2/95	4/11/96 - EPA granted interim approval of operating permit program Approved 5/14/97							Operating Permit Program effective date 5/13/96. Full approval effective 6/13/97.
	5/6/03	Complete 5/22/03	9/17/03 - EPA granted direct final approval - effective 11/17/03							On 3/25/02, EPA issued Notice of Deficiency for the Operating Permit Program because some State requirements do not comply w/CAA and 40 CFR 70 requirements. MACC adopted Plan revision and rule change 12/5/02.
										Program working on Plan revision to streamline Basic and Intermediate Operating Permits to minimize workload for both industry and program staff while maintaining NAAQS. As result of stakeholder review, MACC approved rule variance while amended rule is being developed. Rule amendment public hearing 3/31/05. MACC adopted rule amendment 4/28/05.
Missouri SIP (Glover Lead Plan - Doe Run/ formerly ASARCO)	8/13/96	Complete 9/18/96	Approved 5/5/97	8/2/93	9/18/96	2/2/95	9/18/96	8/2/95	9/18/96	Air quality monitoring data continues to show Lead standard attainment after controls installed. Amended consent decree filed Sept-99.
	7/31/00	Complete 9/5/00	12/5/01 - EPA proposed approval Approved 4/16/02							Plan revised to change ownership via new consent decree. MACC adopted Plan revision 5/25/00.
	1/26/04		6/30/04 - EPA proposed approval effective 8/30/04 unless adverse comments received by 7/30/04 Direct final rule withdrawn 8/24/04 due to adverse comment 10/29/04 - EPA granted final approval - effective 11/29/04							On 12/1/03, Glover smelter ceased operations w/plans to reopen in future. DNR advised Doe Run that certain emission compliance and maintenance plan reporting requirements could be discontinued until plant restart. DNR discontinued monitoring Jun-04. DNR retains ability to restart monitoring w/ sufficient lead time should plant begin smelting. On 10/29/04, EPA published final rule addressing adverse comment, redesignated area to attainment for Lead and approved Maintenance Plan. Doe Run utilizing unloading building to store and transport concentrate ores.
Missouri SIP (Herculaneum Lead Plan - Doe Run)				1/4/94	12/15/94					
	6/3/91 7/2/93 6/30/94 11/23/94	Complete 7/9/91 Complete 9/30/93 Complete 2/23/94 Complete 12/15/94	Limited approval rec'd 3/6/1992 Full approval on all 4 submittals together on 5/5/95							Area failed to attain Lead standard for 3 rd quarter of 1995. All contingency measures implemented and area still failed to attain Lead standard.
	1/9/01	Complete 1/18/01	12/5/01 - EPA proposed approval Approved 4/16/02	7/28/99	1/18/01					On 12/7/00, MACC adopted Plan revision and Lead rule. Court signed consent judgement 1/5/01. 1 st quarter 2005, Broad Street monitor measured 1.88 ug/m ³ , representing a violation of the Lead NAAQS (1.50 ug/m ³). Last failure to attain at this monitor occurred 2 nd quarter 2002. On 4/22/05, facility was issued a Notice of Violation. Program working w/Doe Run and EPA to resolve issue. Doe Run has requested to amend SIP to allow facility to change baghouse bag vendors to increase bag life, and to reduce maintenance and energy costs.

State Air Quality Plans Status Report
June 13, 2005

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Plan Commitment	Plan Submitted to EPA *	EPA's Plan Completion Finding *	EPA's Plan Approval Finding *	Sanction Clock Date **		Sanctions				Comments
						EPA Impose 2:1 Emissions Offset Ratio (18 mos after clock start)		EPA Withholds Highway Funds (24 mos after clock start)		
				Start	Stop	Start	Stop	Start	Stop	
Missouri SIP (Doe Run Resource Recycling Division Lead Plan)				1/4/94	12/15/94					
	7/2/93 6/30/94 11/23/94	12/15/94 - All three submittals together found complete	8/4/95 - EPA approved all three submittals together							8 continuous quarters of Lead standard attainment.
	5/12/00	Complete 8/2/00	10/18/00 - EPA granted direct final approval - effective 12/18/00							Facility now referred to as Doe Run Resource Recycling Division located near Bixby, MO.
	4/29/03	Complete 8/13/03	8/24/04 - EPA granted direct final approval - effective 10/25/04							Plan revised updating emission limits to reflect current operations. Public hearing for Plan revision and rule change 10/24/02. MACC adopted Plan 12/5/02.
										Plan to be revised reflecting new PSD permit production conditions. Rec'd Doe Run mining emissions characterization analysis to confirm NAAQS compliance. Awaiting review by Permits prior to proceeding w/Plan revision. Site visit scheduled 6/13/05.
Missouri SIP (Update outdated local codes/ ordinances)	3/12/97	Complete 4/24/97	4/22/98 - EPA granted direct final approval - effective 6/22/98	Sanction clock not applicable.						Required to comply w/Title V Program.
	12/22/98	Complete 4/14/99	12/22/99 - EPA granted direct final approval - effective 2/22/00							Updated Kansas City local incinerator codes.
	5/22/00	Complete 6/15/00	10/26/00 - EPA granted direct final approval - effective 12/26/00							Revised to reflect new St. Louis City ordinance 64749.
	10/15/03	11/6/03	12/9/03 - EPA granted direct final approval - effective 2/9/04							Plan revised to reflect new St. Louis City ordinance 65645. Public hearing for Plan revision 7/24/03. MACC adopted Plan 8/28/03.
										Plan being revised to reflect new St. Louis City ordinance.
111(d) Plan-Municipal Solid Waste Landfills	1/26/98		4/24/98 - EPA granted direct final approval - effective 6/23/98							Original Plan
	8/31/00	Complete 9/21/00	11/15/00 - EPA granted direct final approval - effective 1/16/01							Plan revised to reflect recent EPA Emission Guidelines revisions. Public hearing for Plan revision 6/29/00. MACC adopted Plan revision 7/27/00.
111(d) Plan-Hospital, Medical/Infectious Waste Incinerators	6/15/99		8/19/99 - EPA granted direct final approval - effective 10/19/99							Original Plan
	7/13/01		10/21/01 - EPA granted direct final approval - effective 12/11/01							Plan revised to assure consistency with federal definitions. Public hearing for Plan revision 2/6/01. MACC adopted Plan revision 3/29/01.
Missouri SIP (Small Business Stationary Source Technical and Environmental Compliance Assistance Program)	3/10/93	Complete 5/11/93	Approved 3/10/93							This program being implemented and operated by the Outreach and Assistance Center (OAC) environmental assistance office. Awaiting new administration appointments.

State Air Quality Plans Status Report
June 13, 2005

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Plan Commitment	Plan Submitted to EPA *	EPA's Plan Completion Finding *	EPA's Plan Approval Finding *	Sanction Clock Date **		Sanctions				Comments
						EPA Impose 2:1 Emissions Offset Ratio (18 mos after clock start)		EPA Withholds Highway Funds (24 mos after clock start)		
				Start	Stop	Start	Stop	Start	Stop	
Missouri SIP (Revised NAAQS Plan)										<u>Ozone</u> Continuing to monitor 8-hr Ozone NAAQS. On 6/2/03, EPA published proposed 8-hr Ozone NAAQS rule. On 4/30/04, EPA published area designations and classifications for 8-hr Ozone NAAQS (Kansas City as Unclassifiable/Attainment and St. Louis as Moderate). On 9/27/04, submitted latest Clean Air Act Section 110 Plan commitment letter to EPA. On 12/21/04, submitted letter to EPA to certify monitoring data and to recommend Kansas City be designated Attainment for 8-hr Ozone NAAQS. On 5/3/05, EPA redesignated Kansas City as Attainment for 8-hr Ozone NAAQS. Final rule effective 6/2/05. EPA developing Implementation Rule.
										<u>PM2.5</u> Continuing to monitor PM2.5. On 9/27/04, submitted latest Clean Air Act Section 110 Plan commitment letter to EPA. On 1/5/05, EPA published area designations/classifications for Fine Particle NAAQS (St. Louis as Unclassifiable/Attainment). EPA developing Implementation Rule.
Missouri SIP (Regional Haze Plan)										Final federal regional haze rule published 7/1/99. Final rule SIP deadline May 2008. Tasks complete: previous yrs grant applications (EPA approved), RPB structure/budget, by-laws, articles of incorporation, individual workgroup plans, and workgroup chairs guidelines. Leanne Tippet appointed to Policy Oversight Group. On 11/15/04, Best Available Retrofit Technology (BART) survey sent to industries to determine affected BART sources. 14 sources identified as potential BART eligible (8 of the 14 are electric utilities). For individual workgroup progress, see www.cenrap.org. Attended CENRAP workgroup mtg 2/28/05-3/1/05 and discussed emissions and air quality modeling updates. See Attachment A for schedule timeline.

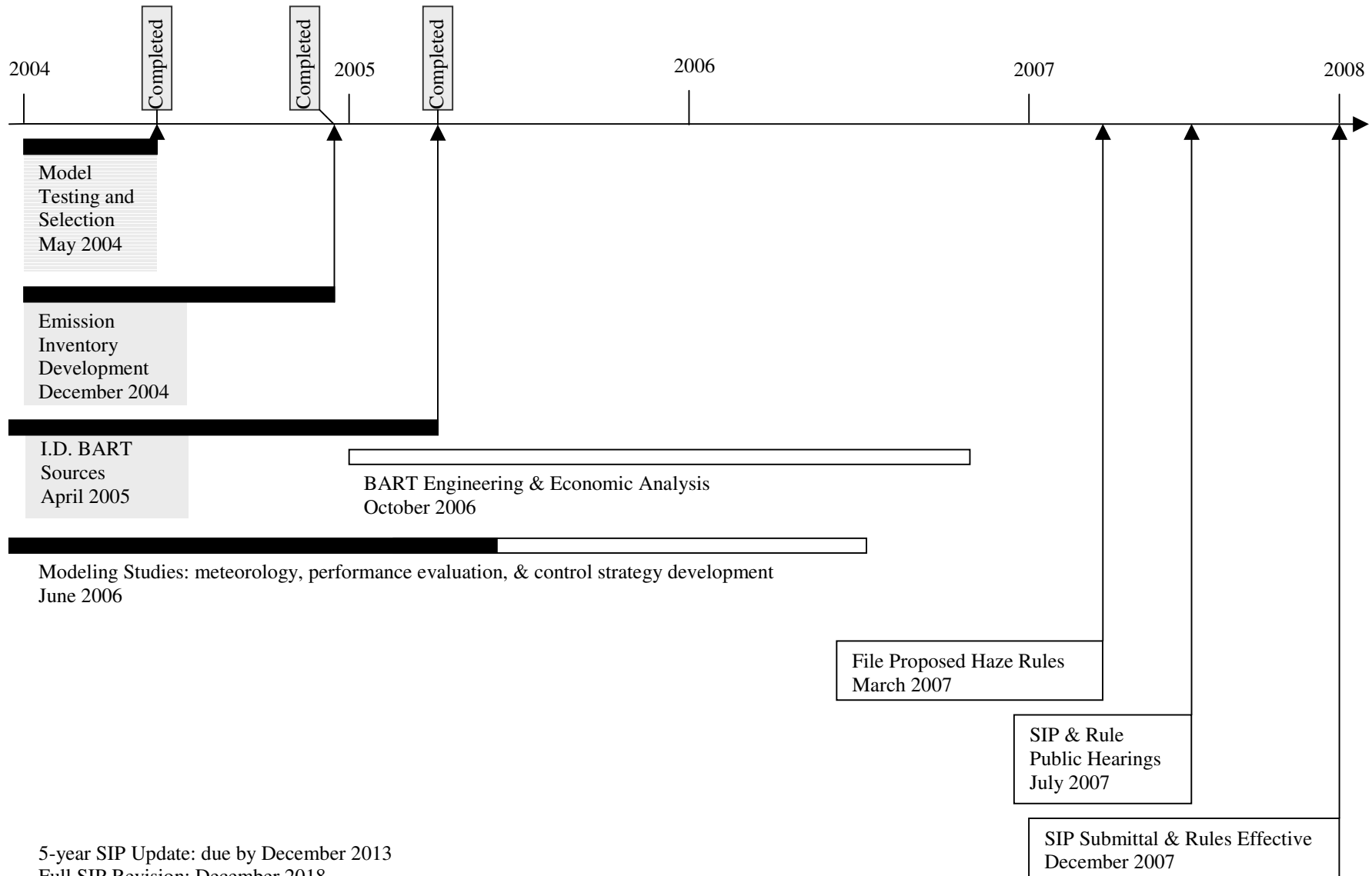
Note: Shaded blocks indicate changes and/or additions from previous report.

* Failure to meet any of these dates or Plan requirements, starts the 18 month sanction clock.
If requirement is not met within 18 months, the 2:1 emissions offset ratio sanction is imposed.
If requirement is still not met within 24 months, the sanction that withholds highway funds is imposed.

** Sanction clock starts with: 1) EPA letter to Governor for failure to submit or finding of incompleteness; or 2) EPA Federal Register final notice of Plan disapproval or nonimplementation.
Sanction clock stops with EPA letter to department director of finding of completeness.

Updated as of 06/13/05 (bdv)

Attachment A
State Air Quality Status Report
Regional Haze SIP Timeline



Inspections by Station from May 1 through May 31

Station #	Station Name	Lanes	Vehicles Inspected	Per Lane Per Day	Average Wait Time*
1	West St. Charles County	3	3380	45.07	4.04
2	East St. Charles County	3	5291	70.55	5.44
3	North County - Florissant	4	6923	69.23	6.06
4	West County - Chesterfield	2	2616	52.32	1.58
5	Mid County - Olivette	5	7092	56.74	8.72
6	North City - West Florissant	3	2707	36.09	2.39
7	West County - Manchester	4	5497	54.97	3.32
8	South City - South Kingshighway	5	8045	64.36	6.16
9	North Jefferson - Arnold	4	7972	79.72	5.19
10	South Jefferson - Herculaneum	2	2947	58.94	3.35
11	North Franklin - Union	4	1605	16.05	
12	South Franklin - St. Clair	2	607	12.14	
15	Mobile Van -	1	359	17.95	
16	Mobile Van -	1	687	34.35	
Total for Month			55,728		4.63
Overall Fail Rate for Month			6%		
Passed on 1st retest for Month			53%		
Total Waivers Issued for Month			74		
RSD			8,278		
Hybird			4,465		
Total RapidScreen for Month			12,743		
Grand Total for Month			68,471		

*Calculated from the time ticket is taken until position in front of station lane door



GATEWAY CLEAN AIR PROGRAM
WEEKLY UPDATE
 As of May 14, 2005
*The goal of the Gateway Clean Air Program is to improve
 St. Louis air quality.*



	Week of May 9-14, 2005	Since April 5, 2000
Number of passing tests and retests in the enhanced area:	9,653	2,573,045
Number of waivers (enhanced area):	15	32,839
Number of passing tests and retests in Franklin County:	579	246,556
Number of waivers (Franklin Co.):	0	1,490
RapidScreen notices redeemed:	2,742	776,004
Total number of vehicles (passing, waived or RapidScreened) through system:	12,989	3,629,934
RapidScreen notices mailed (through May 2005 registrants):	N/A	1,056,963
Initial failure rate (primary fail only - does not include retest failures); historical AVG represents failures through 12/31/04:	5.69%	11.71%
Number of vehicles passing initial retest (network wide); historical AVG represents info through 12/31/04:	428 (52%)	145,028 (61%)

Average wait times (enhanced testing area):	3.58 Min. (overall average)	5.17 Min. (75-day average)
West St. Charles County	2.47 Min.	3.46 Min.
East St. Charles County	3.76 Min.	5.37 Min.
North County – Florissant	3.94 Min.	6.28 Min.
West County – Chesterfield	1.43 Min.	1.62 Min.
Mid County – Olivette	6.59 Min.	6.46 Min.
North City – West Florissant	1.69 Min.	4.48 Min.
West County – Manchester	2.69 Min.	3.82 Min.
South City – South Kingshighway	3.55 Min.	6.68 Min.
North Jefferson County – Arnold	3.40 Min.	4.97 Min.
South Jefferson Co. – Herculaneum	2.62 Min.	3.55 Min.

Average Wait Times at the Enhanced Stations Since Program Start (in minutes): 8.12 Min. Overall AVG.

	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.
2005	5	7	5	4	4							
2004	7	9	6	5	5	6	7	6	5	5	5	4
2003	5	7	7	8	10	10	11	12	9	7	7	6
2002	10	21	17	12	11	13	14	12	12	8	6	5
2001	9	14	13	10	11	14	14	13	14	10	9	7
2000	N/A	N/A	N/A	11	20	24	12	5	9	7	6	5

Miscellaneous:

Damage claims

This week (May 9-14, 2005) damage claims were filed for 0.08% of vehicles tested. Since program start, damage claims have been filed for approximately 0.09% of all vehicles tested.

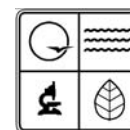
For more info: If there is additional information you would like to see in our weekly Gateway Clean Air Program Update, please contact the Missouri Department of Natural Resources at (314) 416-2115.

Gateway Clean Air Program Information line - Toll Free: 1-888-748-1AIR (1247)

Web site: www.gatewaycleanair.com



GATEWAY CLEAN AIR PROGRAM
WEEKLY UPDATE
 As of May 21, 2005
*The goal of the Gateway Clean Air Program is to improve
 St. Louis air quality.*



**Missouri
Department
of Natural
Resources**

	Week of May 16-21, 2005	Since April 5, 2000
Number of passing tests and retests in the enhanced area:	10,914	2,583,959
Number of waivers (enhanced area):	11	32,850
Number of passing tests and retests in Franklin County:	726	247,282
Number of waivers (Franklin Co.):	2	1,492
RapidScreen notices redeemed:	2,538	778,542
Total number of vehicles (passing, waived or RapidScreened) through system:	14,191	3,644,125
RapidScreen notices mailed (through May 2005 registrants):	N/A	1,056,963
Initial failure rate (primary fail only - does not include retest failures); historical AVG represents failures through 12/31/04:	5.56%	11.71%
Number of vehicles passing initial retest (network wide); historical AVG represents info through 12/31/04:	472 (51%)	145,500 (61%)

Average wait times (enhanced testing area):	5.04 Min. (overall average)	4.97 Min. (75-day average)
West St. Charles County	3.16 Min.	3.38 Min.
East St. Charles County	5.13 Min.	5.27 Min.
North County – Florissant	4.61 Min.	5.75 Min.
West County – Chesterfield	1.45 Min.	1.60 Min.
Mid County – Olivette	9.71 Min.	6.47 Min.
North City – West Florissant	1.65 Min.	3.89 Min.
West County – Manchester	3.74 Min.	3.72 Min.
South City – South Kingshighway	5.26 Min.	6.34 Min.
North Jefferson County – Arnold	5.57 Min.	4.90 Min.
South Jefferson Co. – Herculaneum	2.84 Min.	3.54 Min.

Average Wait Times at the Enhanced Stations Since Program Start (in minutes): 8.12 Min. Overall AVG.

	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.
2005	5	7	5	4	4							
2004	7	9	6	5	5	6	7	6	5	5	5	4
2003	5	7	7	8	10	10	11	12	9	7	7	6
2002	10	21	17	12	11	13	14	12	12	8	6	5
2001	9	14	13	10	11	14	14	13	14	10	9	7
2000	N/A	N/A	N/A	11	20	24	12	5	9	7	6	5

Miscellaneous:

Damage claims

This week (May 16-21, 2005) damage claims were filed for 0.03% of vehicles tested. Since program start, damage claims have been filed for approximately 0.09% of all vehicles tested.

For more info: If there is additional information you would like to see in our weekly Gateway Clean Air Program Update, please contact the Missouri Department of Natural Resources at (314) 416-2115.

Gateway Clean Air Program Information line - Toll Free: 1-888-748-1AIR (1247)

Web site: www.gatewaycleanair.com



GATEWAY CLEAN AIR PROGRAM
WEEKLY UPDATE
 As of May 28, 2005
*The goal of the Gateway Clean Air Program is to improve
 St. Louis air quality.*



	Week of May 23-28, 2005	Since April 5, 2000
Number of passing tests and retests in the enhanced area:	12,973	2,596,932
Number of waivers (enhanced area):	18	32,868
Number of passing tests and retests in Franklin County:	882	248,164
Number of waivers (Franklin Co.):	2	1,494
RapidScreen notices redeemed:	2,334	780,876
Total number of vehicles (passing, waived or RapidScreened) through system:	16,209	3,660,334
RapidScreen notices mailed (through May 2005 registrants):	N/A	1,056,963
Initial failure rate (primary fail only - does not include retest failures); historical AVG represents failures through 12/31/04:	5.74%	11.71%
Number of vehicles passing initial retest (network wide); historical AVG represents info through 12/31/04:	668 (56%)	146,168 (61%)

Average wait times (enhanced testing area):	6.08 Min. (overall average)	4.78 Min. (75-day average)
West St. Charles County	5.71 Min.	3.47 Min.
East St. Charles County	6.47 Min.	5.17 Min.
North County – Florissant	6.13 Min.	5.40 Min.
West County – Chesterfield	1.88 Min.	1.57 Min.
Mid County – Olivette	10.03 Min.	6.61 Min.
North City – West Florissant	1.97 Min.	2.83 Min.
West County – Manchester	3.60 Min.	3.59 Min.
South City – South Kingshighway	7.68 Min.	5.81 Min.
North Jefferson County – Arnold	6.50 Min.	4.88 Min.
South Jefferson Co. – Herculaneum	2.98 Min.	3.51 Min.

Average Wait Times at the Enhanced Stations Since Program Start (in minutes): 8.13 Min. Overall AVG.

	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.
2005	5	7	5	4	5							
2004	7	9	6	5	5	6	7	6	5	5	5	4
2003	5	7	7	8	10	10	11	12	9	7	7	6
2002	10	21	17	12	11	13	14	12	12	8	6	5
2001	9	14	13	10	11	14	14	13	14	10	9	7
2000	N/A	N/A	N/A	11	20	24	12	5	9	7	6	5

Miscellaneous:

Damage claims

This week (May 23-28, 2005) damage claims were filed for 0.04% of vehicles tested. Since program start, damage claims have been filed for approximately 0.09% of all vehicles tested.

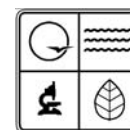
For more info: If there is additional information you would like to see in our weekly Gateway Clean Air Program Update, please contact the Missouri Department of Natural Resources at (314) 416-2115.

Gateway Clean Air Program Information line - Toll Free: 1-888-748-1AIR (1247)

Web site: www.gatewaycleanair.com



GATEWAY CLEAN AIR PROGRAM
WEEKLY UPDATE
 As of June 4, 2005
*The goal of the Gateway Clean Air Program is to improve
 St. Louis air quality.*



**Missouri
Department
of Natural
Resources**

	Week of May 30-June 4, 2005	Since April 5, 2000
Number of passing tests and retests in the enhanced area:	9,540	2,606,472
Number of waivers (enhanced area):	20	32,888
Number of passing tests and retests in Franklin County:	671	248,835
Number of waivers (Franklin Co.):	1	1,495
RapidScreen notices redeemed:	3,279	784,155
Total number of vehicles (passing, waived or RapidScreened) through system:	13,511	3,673,845
RapidScreen notices mailed (through May 2005 registrants):	N/A	1,056,963
Initial failure rate (primary fail only - does not include retest failures); historical AVG represents failures through 12/31/04:	6.14%	11.71%
Number of vehicles passing initial retest (network wide); historical AVG represents info through 12/31/04:	489 (51%)	146,657 (61%)

Average wait times (enhanced testing area):	7.82 Min. (overall average)	4.91 Min. (75-day average)
West St. Charles County	6.80 Min.	3.52 Min.
East St. Charles County	8.01 Min.	5.32 Min.
North County – Florissant	11.70 Min.	5.81 Min.
West County – Chesterfield	2.15 Min.	1.54 Min.
Mid County – Olivette	10.01 Min.	6.91 Min.
North City – West Florissant	4.61 Min.	2.52 Min.
West County – Manchester	3.92 Min.	3.53 Min.
South City – South Kingshighway	13.19 Min.	6.10 Min.
North Jefferson County – Arnold	4.73 Min.	4.93 Min.
South Jefferson Co. – Herculaneum	4.17 Min.	3.48 Min.

Average Wait Times at the Enhanced Stations Since Program Start (in minutes): 8.15 Min. Overall AVG.

	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.
2005	5	7	5	4	5	6						
2004	7	9	6	5	5	6	7	6	5	5	5	4
2003	5	7	7	8	10	10	11	12	9	7	7	6
2002	10	21	17	12	11	13	14	12	12	8	6	5
2001	9	14	13	10	11	14	14	13	14	10	9	7
2000	N/A	N/A	N/A	11	20	24	12	5	9	7	6	5

Miscellaneous:

Damage claims

This week (May 30-June 4, 2005) damage claims were filed for 0.06% of vehicles tested. Since program start, damage claims have been filed for approximately 0.09% of all vehicles tested.

For more info: If there is additional information you would like to see in our weekly Gateway Clean Air Program Update, please contact the Missouri Department of Natural Resources at (314) 416-2115.

Gateway Clean Air Program Information line - Toll Free: 1-888-748-1AIR (1247)

Web site: www.gatewaycleanair.com

MEMORANDUM

DATE:

TO: Missouri Air Conservation Commission

THROUGH: Daniel R. Schuette, Interim Division Director
Air and Land Protection Division

FROM: Leanne Tippet Mosby, Director
Air Pollution Control Program

SUBJECT: Attorney General's Office Referral Request – Morgan Development Company

On February 3, 2004, a representative of the Missouri Department of Natural Resources' Northeast Regional Office (NERO) investigated a complaint at 100 South Main Street in Fayette, Missouri. The investigation disclosed that Morgan Development performed a renovation project without first inspecting for the presence of asbestos containing materials (ACM). Failing to inspect for ACM prior to performing a renovation activity is a violation of Missouri State Rule 10 CSR 10-6.080, which adopts by reference 40 CFR Part 61, Subpart M - *National Emission Standard for Asbestos*. Subsequently, the NERO issued Notice of Violation (NOV) #0723NE to Morgan Development.

On April 1, 2004, the Air Pollution Control Program (APCP) sent a \$2,000 settlement offer letter via certified mail to Morgan Development. The letter requested that Morgan Development contact the department by April 26, 2004, to discuss a resolution.

On April 26, 2004, the APCP contacted Mr. Robert Morgan of Morgan Development Company regarding the settlement offer letter. However, this discussion did not result in an agreement being reached.

On April 30, 2004, Mr. Morgan responded to NOV #0723NE, via letter to the APCP. Mr. Morgan indicated he had spoken with departmental staff from the State Historic Preservation Office and none of them had ever mentioned that a "Phase I" needed to be performed. (A Phase I is an initial environmental assessment that is limited to a historical records search to determine potential environmental concerns at a site.)

On May 18, 2004, the APCP contacted Mr. Morgan in reply to his response letter. Program staff explained to him a Phase I, and an asbestos inspection are not the same thing, and an asbestos inspection must be performed by a certified asbestos inspector prior to any renovation.

On May 19, 2004, Mr. Morgan contacted the APCP indicating it was unfair for the APCP to penalize him when department representatives from the State Historic Preservation Office were on site and didn't relay the requirements to him. Mr. Morgan then said he always had a Phase II performed when he felt there were any environmental concerns. (A Phase II is a site investigation that includes tests performed at the site to confirm the location and identity of environmental hazards.) The APCP informed Mr. Morgan that a Phase II also does not meet the requirements of an asbestos inspection. A Phase II in some cases may generally identify asbestos as a concern in a structure, however, they generally do not assess a structure in enough detail to identify the location, type, percent and condition of the material as is required in an asbestos inspection report.

On May 27, 2004, a representative of the NERO performed an asbestos investigation at a demolition site located at 600 South Church Street in Fayette, Missouri. The investigation disclosed Morgan Development performed the demolition without first having the building inspected for asbestos containing materials. Mr. Morgan stated the building was demolished on May 25, 2004, and a Phase I was performed and would have identified any asbestos containing materials. The NERO representative stated to Mr. Morgan that a Phase I does not meet the requirements of an asbestos inspection. Subsequently, the NERO issued NOV #0817NE to Morgan Development.

On June 14, 2004, Morgan Development Company was sent NOV #0817 via certified mail. The APCP later received certified NOV back as unclaimed.

On July 1, 2004, the APCP contacted the State Historic Preservation Office to determine their involvement with the project. They indicated they were familiar with the project and it was one of their historic tax credit projects. They indicated in the Spring of 2002 they were contacted by Ms. Kathy McDougal, the Economic Development Director for the City of Fayette, concerning the repair of the roof for the structure, and they provided her with technical assistance related to the roof work. They also indicated they had not spoken to Mr. Morgan directly about the project and they had never made a site visit.

On July 20, 2004, the APCP sent a \$4,000 settlement offer letter via certified mail to Morgan Development Company. The letter requested Morgan Development to respond to the letter by August 11, 2004. The certified letter was later returned to the APCP as unclaimed.

On August 16, 2004, representatives from the APCP and NERO delivered NOV #0817NE and the new proposed settlement offer letter to Mr. Bob Morgan of Morgan Development Company. Mr. Morgan refused to sign for the letters but did receive and take them. Mr. Morgan disagreed with the additional NOV and with the increased settlement offer from \$2,000 to \$4,000. Mr. Morgan counter offered a settlement of \$500 to close the case; otherwise he would forward the case over to his attorney. The program did not accept this offer.

As of this date, Morgan Development and the APCP have been unable to reach a mutually agreeable settlement. The APCP is requesting authorization to refer this matter to the Attorney General's Office for appropriate legal action. I recommend your approval of this action.

LTM:svd

MEMORANDUM

DATE:

TO: Missouri Air Conservation Commission

THROUGH: Daniel R. Schuette, Interim Division Director
Air and Land Protection Division

FROM: Leanne Tippet Mosby, Director
Air Pollution Control Program

SUBJECT: Attorney General's Office Referral Request – Mr. Troy Colley, Greene County

On December 14, 2004, a representative of the Missouri Department of Natural Resources Southwest Regional Office (SWRO) witnessed open burning on Mr. Troy Colley's property located at the corner of Highway MM and Farmroad 148 in Greene County, Missouri. The investigation revealed open burning of refuse and a salvage operation by open burning. The SWRO issued Notice of Violation (NOV) #11003SW on January 21, 2005, for violations of 10 CSR 10-4.090, "Open Burning Restrictions."

The Air Pollution Control Program (APCP) sent certified letters to Mr. Colley on February 1, 2005, March 18, 2005, and April 25, 2005. Each letter requested Mr. Colley contact the APCP to resolve the NOV. The APCP staff attempted to contact Mr. Colley by telephone but the number was disconnected. The APCP staff found no active telephone number for Mr. Colley.

Given Mr. Colley's lack of response to resolve this issue, the APCP requests authority to refer the case to the Attorney General's Office. I recommend approval of this action.

LTM:bnc

c: Paul Vitzthum, Southwest Regional Office
Source file Greene County Open Burning file

Reference Links

[Air Pollution Control Program](#)

[Department of Natural Resources](#)

[State of Missouri](#)

[Air Issues](#)

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[DNR Calendar of Events](#)

[News Releases](#)

Commissions & Workgroups

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[Missouri Air Conservation Commission \(MACC\)](#)

[Missouri Air Conservation Commission \(MACC\) Agenda](#)

Rules

[Rules in Development](#)

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[Missouri Register](#)

[Missouri State Implementation Plan \(SIP\) Summaries and Federally Approved Regulations](#)

Data Systems

[Missouri's Air Quality Data](#)

[Missouri Emissions Inventory System \(MoEIS\) Online](#)

[Missouri Emissions Inventory System \(MoEIS\) Updates](#)

Permits

[Draft Permits on Public Notice, Response to Comments and Final Permits](#)

[Summary of Report of Permits Received and Completed](#)

[Permit Actions](#)



MISSOURI DEPARTMENT OF NATURAL RESOURCES

DEPARTMENTAL OFFICES

Kansas City Area

- Kansas City Urban Outreach Office**
4750 Troost Avenue
Kansas City, MO 64110
(816) 759-7313
FAX (816) 759-7333
- Kansas City Regional Office**
500 NE Colbern Rd
Lee's Summit, MO 64086-4710
(816) 622-7000
FAX: (816) 622-7044
- Department of Energy
Kansas City Plant / DNR - AIP**
2000 E. Bannister Rd.
P.O. Box 410202
Kansas City, MO 64141-0202
(816) 997-5790
FAX: (816) 997-3261

Northeast Area

- Northeast Regional Office**
1709 Prospect Dr.
Macon, MO 63552-2602
(660) 385-8000
FAX: (660) 385-8090
- Mississippi River Project Office**
Wakonda State Park
Rt 1 Box 242
LaGrange, MO 63448
(573) 655-4178

St. Louis Area

- St. Louis Urban Outreach Office**
4030 Chouteau 6th Floor
St. Louis, MO 63110
(314) 340-5900
FAX (314) 340-5904
- St. Louis Regional Office**
7545 S. Lindbergh, Ste 210
St. Louis, MO 63125
(314) 416-2960
FAX: (314) 416-2970
- Franklin County Satellite Office**
Meramec State Park
Hwy 185 S.
Sullivan, MO 63080
(573) 860-4308
- Hazardous Waste Field Office**
917 N. Hwy 67, Ste. 104
Florissant, MO 63031
(314) 877-3250 or 3251
FAX: (314) 877-3254
- Jefferson County Satellite Office**
Eastern District Parks Office
Hwy 61
Festus, MO 63028
(636) 931-5200
FAX (636) 931-5204

St. Louis Area (continued)

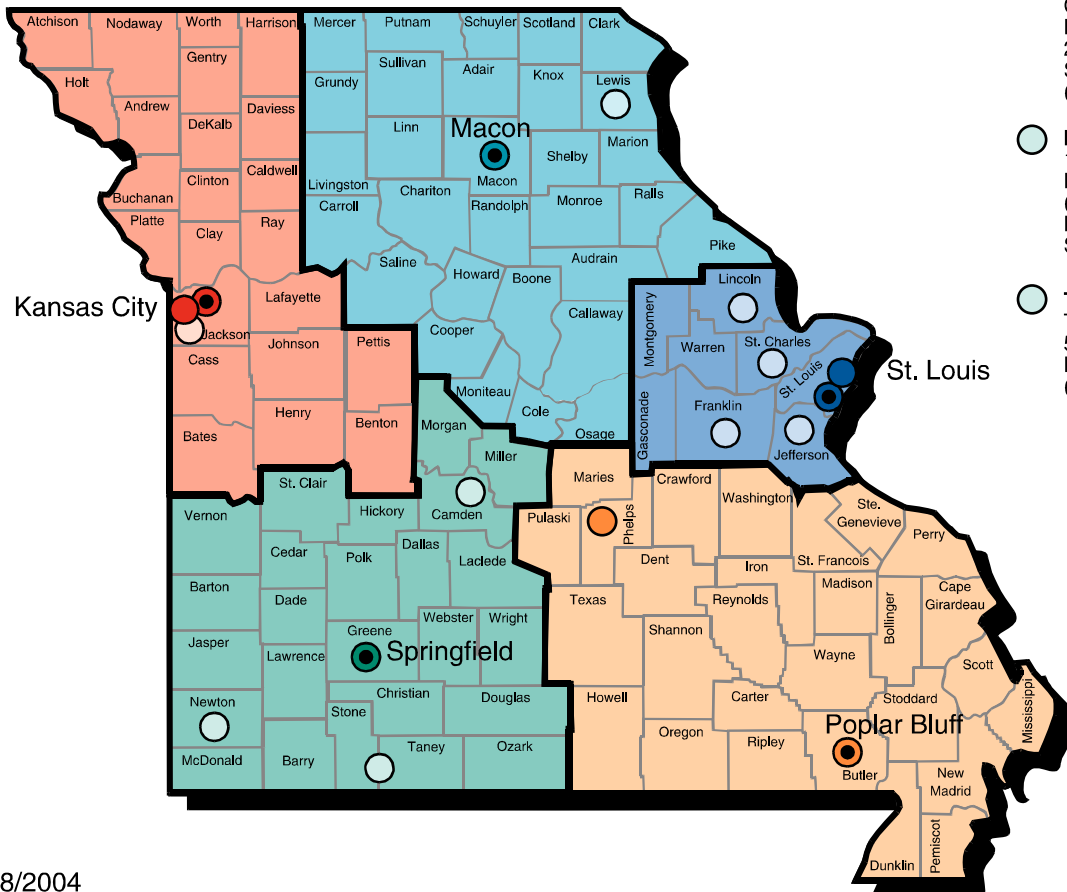
- Lincoln County Satellite Office**
Cuivre River State Park
678 State Rt. 147
Troy, MO 63379
(636) 528-4779

Southeast Area

- Southeast Regional Office**
2155 North Westwood Boulevard
Poplar Bluff, MO 63901
(573) 840-9750
FAX: (573) 840-9754
- Geological Survey and Resource
Assessment Division**
111 Fairgrounds Rd.
P.O. Box 250
Rolla, MO 65402
(573) 368-2100
FAX: (573) 368-2111

Southwest Area

- Southwest Regional Office**
2040 W. Woodland
Springfield, MO 65807-5912
(417) 891-4300
FAX: (417) 891-4399
- Lake of the Ozarks Satellite Office**
Camden County, 5568 A Hwy 54
Osage Beach, MO 65065
Mailing address:
2040 W. Woodland
Springfield, MO 65807-5912
(573) 348-2442
- Neosho / Joplin Area Satellite Office**
1900 S. 71 Highway
Neosho, MO 64850
(417) 455-5155
Mailing address: 2040 W. Woodland
Springfield, MO 65807-5912
- Taney / Stone County Satellite Office**
Table Rock State Park
5272 State Hwy 165
Branson, MO 65616
(417) 337-9732



For more information on
the department, visit
www.dnr.mo.gov
call 1-800-361-4827
or write to
P.O. Box 176
Jefferson City, MO 65102-0176.